

BUDGET & FINANCE COMMITTEE

of the

Suffolk County Legislature

A meeting of the Budget & Finance Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Smithtown, New York, on March 7, 2006.

Members Present:

Legislator Ricardo Montano • Chairman

Legislator Louis D'Amaro • Vice•Chair

Legislator Jon Cooper

Legislator Vilorio•Fisher

Legislator Cameron Alden

Legislator Dan Losquadro

Legislator Jay Schneiderman

Also In Attendance:

Terry Pearsall • Chief of Staff of the Legislature

George Nolan • Counsel to the Legislature

Bob Martinez • Aide to Legislator Montano

Renee Ortiz • Chief Deputy Clerk of the Legislature

Lance Reinheimer • Budget Review Office

Linda Burkhardt • Aide to Presiding Officer Lindsay

Fred Pollert • Deputy County Executive for Finance
Ben Zwirn • Assistant County Executive
Bob Bortzfield • Director/County Executive's Budget Office
Allen Kovesdy • Deputy Director/County Executive's Budget Office
Thomas J. Germano, PhD • The Labor Management Center
Lawrence Raful • Touro Law School
Deanna Marshall • Director of Division of Women's Services
Sandra Sullivan • Legislative Liaison for AME
Carolyn Fahey • Economic Development and Workforce Housing Dept.
All Other Interested Parties

Minutes Taken By:

Lucia Braaten • Court Stenographer

Transcribed by:

Kimberly Castiglione • Legislative Secretary

[THE MEETING WAS CALLED TO ORDER AT 9:22 A.M.]

CHAIRMAN MONTANO:

All right. We're going to call the meeting to order with the Pledge of Allegiance led by Legislator Schneiderman.

Salutation

We have some cards from people that would like to address the Legislature. First one is Thomas J. Germano, Ph.D., from North Babylon. He •• topic is The Labor Management Center selection of arbitrators in collective bargaining. Mr. Germano, would you come forward? Speak at the podium. You have three minutes.

MR. GERMANO:

Thank you. Is this on? Can everybody hear me?

CHAIRMAN MONTANO:

We can hear you.

MR. GERMANO:

Okay. I'm here to speak on the resolution that bans arbitrators from working in Suffolk County if they have rendered a decision in the previous three years in Nassau County. And basically I have two words to summarize my objection to the existing resolution or policy is it's unfair and unnecessary. The arbitrators have in this case been found guilty of •• by association, which is also very troubling to me.

It seems when you look at the history of the policy, there was a problem perceived by the Legislature, maybe real, with an individual arbitrator, and in banning that arbitrator, for whatever reasons they had, they also banned every other arbitrator who for any reason might have worked in Nassau County in the previous three years. Despite the fact that being found guilty by association, many of the arbitrators do not know that arbitrator, would not have rendered a decision similar to that arbitrator's, and, yet, have been punished by some form of extension, either because of where they work, Nassau County, or their profession as arbitrator working in Nassau County.

So, again, just to summarize, I believe it's unnecessary and it's unfair. And the reason it's unnecessary is that the parties, the parties have every right to choose an arbitrator. If you don't want the arbitrator, do not select that arbitrator. You can review their resumes, you can review their previous decisions, you can interview. I mean, there are all kinds of protections you have before choosing an arbitrator, and ultimately the responsibility is the parties. And to blame the arbitrators, not only the individual arbitrator who you're unhappy with, but all arbitrators by association, and because they worked in a particular county, is to me unfair and unnecessary.

It also costs you money because you lose very good arbitrators who live and work in both counties, and you also then have extra expenses. You either have less experienced arbitrators coming in to make these important decisions, or you have to pay the expenses to bring arbitrators in from outside the Long Island area.

CHAIRMAN MONTANO:

May I ask •• are you done?

MR. GERMANO:

Yes, I'm done. Thank you very much for allowing me to address this group.

CHAIRMAN MONTANO:

Couple of questions, though.

MR. GERMANO:

Yes, sir.

CHAIRMAN MONTANO:

Do you know how many arbitrators we're talking about in terms of the exclusion?

MR. GERMANO:

Well, in the bill it was a Martin Scheinman was the arbitrator and he was excluded.

CHAIRMAN MONTANO:

Is the bill exclusive to him or?

MR. GERMANO:

No. That would be debatable in its own. But then they said because we are banning this arbitrator, Martin Scheinman, who gave us a decision we're not happy with and cost the taxpayers money, etcetera, we're now banning any arbitrator if they have worked in and issued a decision in collective bargaining, binding, arbitration or even grievance procedures, voluntary or mandatory arbitrations in Nassau County in the previous three years.

CHAIRMAN MONTANO:

And where are these arbitrators selected? Do they come from the National Arbitration Association?

MR. GERMANO:

They can come from the National Academy of Arbitrators, which usually is

just an organization they belong to. But what they come from is PERB, the New York State Employment Relations Board, they come from the American Arbitration Association, they come from the Federal Mediation and Conciliation Service. Sometimes they are just arbitrators who are selected by the parties and are on rotating or fixed panels. But again, it's always up to the parties to decide which arbitrator, if any, they want to use and, you know, how arbitrators who had nothing to do with that determination are excluded is really indefensible. You know, I teach. Thirty years I've taught labor relations at Cornell University, and I can never justify this •• this resolution as being •• as being necessary ••

CHAIRMAN MONTANO:

You mean the one that passed previously?

MR. GERMANO:

The previous one, yeah. The one on the books.

CHAIRMAN MONTANO:

Last question. Can you just explain to me in a little more detail the genesis or the basis for the bill that excluded certain arbitrators or certain classes of arbitrators. What was the reasoning behind that?

MR. GERMANO:

There's an arbitrator named Martin Scheinman who ruled, I believe, in the Suffolk County Police arbitration. And he gave a •• his decision gave a very generous award, monetary award, to the police, the uniformed police service people in Suffolk County. And part of his justification was that he compared salaries to adjoining counties. Now, that was Mr. Scheinman's justification. And the Suffolk County people and the Legislature were very upset about that because they felt it was unnecessary, there should have been more attention paid to an ability to pay, it was an excessive award. In some cases it was more than the •• I think it was the PBA or whoever, the uniformed services was even asking for. And so they said we don't want Mr. Scheinman here anymore.

And again, that in itself is debatable. But then to extend it beyond Mr. Scheinman, they said well, we don't want any arbitrator who has worked

and rendered an award in Nassau County. And why just Nassau County, because it's an adjoining county I guess, in three previous years, then they can't work in Suffolk County either.

CHAIRMAN MONTANO:

All right. The bill that you're speaking on is that •• okay. Are there any members of the panel that have any questions of Mr. Germano?

LEG. D'AMARO:

I have one or two.

CHAIRMAN MONTANO:

John Cooper asked first and then Legislator D'Amaro.

LEG. COOPER:

Good morning.

MR. GERMANO:

Good morning.

LEG. COOPER:

When Mr. Scheinman was selected as an arbitrator, he was selected by who to be an arbitrator on that panel?

MR. GERMANO:

By the parties. He's selected by, and again, it was one of the uniformed police service, I believe it's the PBA, Suffolk County PBA, and the County itself. And that's usually done through the Office of Labor Relations. There was a Director of Labor Relations at the time, I believe his name was David Greene. He, you know, he sat down with whomever from the PBA. I wasn't there, I just understand how the process works, and they select an arbitrator.

LEG. COOPER:

So he was the PBA selection. He was not •• isn't there one selection that's PBA, one that's the County Executive and the third is selected jointly by the

two?

MR. GERMANO:

That's if it's a tripod type panel, yes. And then the third one is selected jointly and then it is usually that third one that is the independent one if there is a tie. In other words, the PBA puts up an arbitrator and the County selects an arbitrator. Most times, it is not necessarily all the time, the arbitrators selected by those parties may favor their positions. And then the third truly neutral arbitrator would make the deciding or balancing, you know, tip the balance in terms of what the award ultimately will be. But it's the parties, again, that had to select Mr. Scheinman. So the parties still had power to say yes or no to Mr. Scheinman.

LEG. COOPER:

Or at least one party or the other. I mean, he could be the PBA selection over the objection of the County. I mean, he was not the neutral arbitrator.

MR. GERMANO:

You're right. And when you set up the panel they could set it up where you don't have to have one from each side. But even if Mr. Scheinman, and I don't know this for a fact, was the PBA's choice, you still would have had two other choices. You would have had a County choice and then you would have had both parties picking really the truest neutral, the determining factor or the last vote out of the three, the second out of the three votes.

So, you know, to blame •• again, it's debatable as to even how much blame is on Mr. Scheinman, but I'm not here to debate that issue. I can't go into what Mr. Scheinman did or said at the time, but what I'm concerned about is that guilt by association and banning all other arbitrators just because they've worked in Nassau County in the previous three years. I mean, quite frankly, it makes no sense.

LEG. COOPER:

And do you have any idea as to how large the pool of potential arbitrators is in let's say Nassau and Suffolk?

MR. GERMANO:

I don't know the numbers, but I know I as past president just recently until the end of last year of the Labor Relations Research Association on Long Island, just in that organization alone there are 40 or 50 arbitrators that live in either Nassau or Suffolk County and that work in Nassau and Suffolk County and that are now banned from •• and the funny thing is they are not banned from working •• doing arbitration's in Suffolk County, they're banned from doing arbitration's that involve the County. So technically they can do school district arbitration's •• Mr. Scheinman still does school district arbitration's and he does private work, so it's not a total ban because everybody else realizes it. You don't pick the arbitrator unless you have to. But you've really restricted yourselves also. I mean, you know, you don't have a choice because other arbitrators live or have worked in Nassau County.

LEG. COOPER:

So that the Scheinman law as it's now written says that any arbitrator who has done any type of arbitration work in Nassau County is precluded for three years arbitrating in ••

LEG. D'AMARO:

No. It's only collective bargaining ••

MR. GERMANO:

Yeah. Actually, I have the wording right here. It's, "Resolved that the County of Suffolk shall not consent to the selection of an arbitrator for binding arbitration, collective bargaining agreements, voluntarily submitted to arbitration or for collective bargaining agreement dispute resolution", that can just be grievances that come up under the contract, "who has rendered an arbitration decision in a binding arbitration, voluntary arbitration or collective bargaining agreement dispute resolution proceeding involving the County of Nassau within the three years immediately preceding the request for such consent to the selection of such arbitrator".

CHAIRMAN MONTANO:

You're reading from the prior resolution?

MR. GERMANO:

That's the resolution that exists now, yes. It was ••

CHAIRMAN MONTANO:

All right. Bob, would you get a copy of that for me? I can't pull it up on the computer. If you don't mind, we'd like to just take a copy of that.

MR. GERMANO:

Sure.

CHAIRMAN MONTANO:

John, are you done?

LEG. COOPER:

I'm done. Thank you.

CHAIRMAN MONTANO:

Legislator D'Amaro.

LEG. D'AMARO:

Thank you and good morning. Thanks for coming down, we appreciate it. So looking at the impact or effect of that law that you're •• that resolution you're referencing, do you know how many arbitrators since it's been in effect have actually been excluded from the process?

MR. GERMANO:

No, I wouldn't know that. I mean, I could tell you I myself have been but it's no longer a factor in my case. I'm not here to argue for myself, I'm here to argue for the principle. But there was a time where, you know, just people that I know that have been excluded, probably 30 or 40 arbitrators. And how many times is another thing. That I wouldn't know. You know, you don't know what jobs you don't get anymore. It's •• you are just not even considered.

LEG. D'AMARO:

Right. But has the pool of arbitrators ever been diminished to a point where there was not remaining a qualified arbitrator to arbitrate in Suffolk County?

MR. GERMANO:

I wouldn't say that because I don't know the arbitrators that you ultimately did pick. But, you know, most qualified arbitrators who have worked in Nassau County in the previous three years would be excluded, and I imagine that would be a significant number ••

LEG. D'AMARO:

Right.

MR. GERMANO:

•• both in actual numbers and in quality.

LEG. D'AMARO:

Well, you had stated earlier that exclusion to that extent makes no sense, but you don't deem it a valid public purpose, then, that an arbitrator who has arbitrated for or involved with the County of Nassau may somehow be predisposed in a Suffolk arbitration or arbitration involving Suffolk County?

MR. GERMANO:

I don't believe they would. They certainly should not. Under the standard of ethical conduct for arbitrators they are not allowed to be.

I'll give you just a personal example. I was mediating the police contract in Nassau County at the time that Suffolk County decision was awarded. And we had come to a tentative agreement for a lot less, and my position was •• they said well, you know what arbitrator Scheinman just gave the people out in Suffolk, so we're going to •• the PBA said we're going to want a lot more. I said well, you're not getting it from me. I mean, we've got an agreement, it's pretty well, they were given more than they even wanted out there. The PBA, rightfully so, being a union representing members said well, we're going to have to try to get more, so good•bye to you and we're going to get Mr Scheinman. They brought in Mr. ••

LEG. D'AMARO:

Well, that's a specific instance, though. Now if you want to talk about in theory, though, I think the target or intent of the law you're talking about was that if arbitrators are going to •• if arbitrators are going to be hearing

cases on very similar issues involved in both counties, it may not be the best policy to have them coming in after completing one arbitration in one county and hearing the same issues in another county. You don't see that as a concern?

MR. GERMANO:

Not if •• not if the arbitrator is doing what job the arbitrator should do. First of all, even before you get the arbitrator, if you know that an arbitrator has rendered a decision in a county that you would not be comfortable with, you should not select that arbitrator. You always have the ultimate selection power. But even knowing that and if by some reason the arbitrator is selected, the arbitrator should not judge one case by another. Every case has a particular fact pattern and ability to pay. It's the evidence that's presented, it's the credibility of the positions by both parties, the documentation. You know, there are just too many things to say well, this is the way I ruled in Nassau County so this is the way I'll rule in Suffolk County.

And again, you don't even have to get to that point because you can say you know what, Tom Germano just gave an award in Nassau County or Westchester County or California and we're not too comfortable with that award. We're not selecting Tom Germano to be an arbitrator, and you'd have every right to do that.

LEG. D'AMARO:

Thanks a lot. I appreciate it.

MR. GERMANO:

Okay.

CHAIRMAN MONTANO:

This is not a public hearing. We have Fred Pollert. If you want, brief questions.

LEG. VILORIA•FISHER:

Yes.

LEG. ALDEN:

One quick question.

CHAIRMAN MONTANO:

One quick question. One quick question. Go ahead, you go first, Legislator Alden.

LEG. ALDEN:

Hi, and I'm sorry if you didn't say this but I think you did. You said that by this exclusionary policy it's cost us money?

MR. GERMANO:

I believe it has. I believe what's happened is that you wind up utilizing arbitrators who don't live or work in Nassau County, because most arbitrators who live or work in Nassau and Suffolk Counties have done work in Nassau County. You know, we do a lot of local work. And so what you have to do is bring in arbitrators from outside the County, bring in arbitrators from Westchester or New Jersey or Manhattan. Then you incur the expense of travel and sometimes overnight stays, which you would not if you used local arbitrators, qualified local arbitrators.

LEG. ALDEN:

Thank you.

CHAIRMAN MONTANO:

Legislator Vilorio•Fisher. Last question.

LEG. VILORIA•FISHER:

Thank you. When we look at the criteria that are used by arbitrators, it seems from past experience •• and I had been in a teachers union for many years and sometimes we had gone to arbitration. And just as we see real estate, real estate comparisons being done on comparable's, it seemed to me that arbitrators did look at surrounding areas and I believe that this was the intent of resolution 377, that we were entering into a kind of leapfrog situation where the counties were being judged as comparable's against one another and it •• there was always a vying and that was the basis of this. And yet you seem to be representing that that is not the basis on which the

arbitration awards are made?

MR. GERMANO:

I'm saying that this resolution has no effect at all on that. That you can take an arbitrator from Westchester, New Jersey, New York City, they may use the same criteria and say we're going to go by adjoining counties and we think if Nassau or Suffolk got this we'll give it to the other county.

And what you've done is two things. You've taken some of the most experienced arbitrators that have a record that you can scrutinize to see how they might be leaning in a case and then ultimately pick them or not, and you've given the authority to make the decision to someone with maybe lesser experience or from another county who will still use the same criteria. See, the parties will make the same argument. The party that wants the criteria ••

LEG. VILORIA • FISHER:

I might have misheard you. You did, then, say that they do use comparable ••

MR. GERMANO:

That could be one of the standards they use, certainly, yeah.

LEG. VILORIA • FISHER:

Okay. That's what I wanted to clarify. Thank you.

MR. GERMANO:

I'm not saying it's right to do that, but they do.

CHAIRMAN MONTANO:

Thank you very much. We'll take this up again.

MR. GERMANO:

Okay. Thank you all very much for having me here. Thank you.

CHAIRMAN MONTANO:

We appreciate your time. I have three cards left. Two are from County

employees, one is from Lawrence Raful from Touro Law School. I'm going to ask Mr. Raful to come up, speak about the budget, but I do want to move on. Mr. Fred Pollert is here from the Budget Office. I want to give him a chance to come up early. So we'll give you three minutes •• unless you want to wait and if there are any questions. If you come forward now you have your three minutes.

MR. RAFUL:

Thank you. Good morning. My name is Larry Raful. I'm honored to serve as the Dean at Touro Law School and I appreciate the chance to say something. I'm sorry I didn't know the bill number when I put down on my card •• I'm talking about 1239. I just wanted to mention that at some point, when it's right, we understand that this committee will take up this bill.

As you know, we're building a new building in Central Islip. We're very excited about it. We're continuing to be excited about serving as a law school for Suffolk County. It's across the street, as you know, from the federal building and the Cohalan State Building where much of the family law is done in this County.

I just wanted to appear in front of the committee to tell that we are willing and able and prepared to accept this program, helping women who are victims of domestic violence. We are ready for two reasons. One is because we believe it helps our students gain a good appreciation of what it's like to serve as a lawyer in the public service, and secondly, because we as a law school owe this to the women of Suffolk County to give them as much representation as possible for this terrible disease, and I have been involved previously in trying to help women of domestic violence in my previous job, and so I'm thrilled to be able to support this budget item at this time.

LEG. VILORIA•FISHER:

Thank you.

CHAIRMAN MONTANO:

Okay. We just want to say that this is a bill that Legislator Stern introduced, and I believe you already know, I don't know if the public knows, that we're

waiting for a directive from the Appellate Division so that we can implement the program as written in the resolution.

MR. RAFUL:

Yes, sir.

CHAIRMAN MONTANO:

We haven't gotten that yet, so we're really not going to act on it until we get that directive.

MR. RAFUL:

Right. It's not ripe yet, unfortunately, but I thought at least I'd come this morning, introduce myself to the folks who I haven't met yet, and just to say how proud we are to be part of Suffolk County, how proud we are of the new building, that we hope to invite the entire Legislature to the building when it's open this fall, and we stand prepared to accept this tremendous honor to work with the County if allowed.

CHAIRMAN MONTANO:

I'm hoping that that's the case. Then welcome to the new building, particularly since it's going to be in my legislative district.

MR. RAFUL:

Absolutely. We're thrilled to be part of Central Islip.

CHAIRMAN MONTANO:

Thank you. Legislator D'Amaro, I think, had a question first and then Legislator ••

LEG. D'AMARO:

No, no question. Dean, thank you for coming down. I just wanted to say thanks to you also for making the school and your services and the school services available for this. It is a very important program.
Thank you.

MR. RAFUL:

It's my pleasure. I might say just to follow•up on the meeting we had last

week in Central Islip, later this month we are having our reaccreditation visit. Every seven years the American Bar Association and the Association of American Law Schools accredits every law school. And I just wanted to tell, especially you and the rest of you, how proud I am of the fact that our faculty is voted as one of the new programs that we proposed to the ABA in our self study, that we plan to get very involved in the community of Central Islip, which certainly is a community which needs help, but is really on the cusp of some real promise. And we want our students and faculty and staff to get involved in that community and so we think it's a great opportunity for our students.

CHAIRMAN MONTANO:

Excellent. Legislator Alden.

LEG. ALDEN:

I just want to compliment Touro because we've partnered with you in a number of clinics, Mental Health Clinic, also the senior citizen clinics and you've provided advocacy programs for all the people in Suffolk County and have done a great job in the past. So thank you.

MR. RAFUL:

I might also mention one more thing. We have •• above our •• we have a large new clinic space in the building and above that clinic space we had a place where we were going to use it for expansion, we were going to save it for expansion, but we've already decided what to do with it. I'm very excited to announce this.

We're going to have an area above the clinic, the next floor up, in which we will have 12 offices which we are going to give rent free to various groups that provide public service in Suffolk County. We will have 12 offices with meeting rooms, photocopy facilities for people who are working on immigration reform, housing reform, domestic violence, some of the law in the arts programs. All of these various programs that people of goodwill in Suffolk County are doing, we are going to give them a place in the law school where they will have an office to work with our students to make sure that they understand that the most important task our students can understand is that pro bono work is of supreme importance to every law

student. So, we look forward to sharing that news with you.

CHAIRMAN MONTANO:

Thank you very much. We look forward to working with you.

MR. RAFUL:

Thank you so much.

CHAIRMAN MONTANO:

Okay. I'm going to ask Deanna Marshall and Carolyn Fahey if they would wait a little longer because I want to have Mr. Fred Pollert from the County Executive's Office come forward. He has been out and I want to give him a chance to make his presentation with his staff and then get back to the office to do what he needs to do. Fred.

LEG. ALDEN:

This is valid use of his time.

CHAIRMAN MONTANO:

Excuse me?

LEG. ALDEN:

This is valid use of his time hanging out with us. He used to do this all the time actually.

MR. POLLERT:

Twenty•five years.

CHAIRMAN MONTANO:

You think you have it right by now?

MR. POLLERT:

Probably not.

CHAIRMAN MONTANO:

Fred, we're looking for an overview of the 2007 budget model, see where we're going this year in the budget.

MR. POLLERT:

Thank you very much, Mr. Chairman. The County Executive's Budget Office, together with the Budget Review Office, have been looking at a budget model for both 2006 as well as 2007. We're required by Charter Law to come up with a consensus forecast and I can say that the forecast for 2007 is perhaps the closest forecast that we have had for quite a number of years.

Basically, there tends to be a significant amount of noise relatively early in the year when you start to do a budget forecast. But 2007 is relatively unique in the sense that the Medicaid number, which was always a wild card for the last ten or 12 years, has been resolved. We now have capped growth with respect to what the 2007, six •• I'm sorry. What the 2006 and the 2007 forecasts are.

With respect to the salaries, which was always another wild card as well, we now have contracts in place for the bulk of the County unions. We have included in our budget forecast what we consider to be reasonable salary cost increases for those bargaining units which have not yet settled. The pension costs, which we're forecasting for 2007, are based upon New York State rates which they have given to us, and the last component, debt service, likewise is a known quantity. We know what's in the pipeline. We have a good estimate on what the County Comptroller is going to be borrowing.

In large part, our forecast for 2007 is driven by what's going to be happening with the economy because the economy really drives the growth in the sales tax, it •• you know, drives what the interest rates are with respect to the borrowings. It drives the rate increases with respect to contract agencies, it drives things like heat, light and power. And it also drives revenues that we derive from the County Clerk and the Real Property Tax Service Agency.

That being said, in part our economic outlook has been determined by conversations with Dr. _Erwin Kellner_ , who is a professor at the •• Hofstra, and likewise, the County Executive's Office has a consultant

economist on staff. Basically, there's some concern looking ahead to the end of this year, primarily with respect to the influence of outside factors like the Middle East, as well as the high percentage of relatively highly leveraged mortgages as well as the significant increase in housing stock. Home sales drive a significant portion of the sales tax in the sense that when individuals purchase new houses they tend to replace appliances and make a lot of capital expenditures as well.

We have also noticed in the last quarter of 2005 that there was some softness in the sales tax. When the County Executive's Office proposed the 2006 Operating Budget we reduced the estimate of 2005 expenditures. That was done in September when we presented the budget. We were relatively secure with that revenue estimate because we only had one more quarter to forecast out. In fact, what had happened is the final numbers on the sales tax came in even lower than we had estimated. So in aggregate we had lowered the sales tax estimate by, what was it, 18 million dollars?

MR. BORTZFIELD:

Almost 18.

MR. POLLERT:

Roughly 18 million dollars from what was adopted and so that was just a little bit disappointing. Sales tax in terms of real dollars actually declined during 2005.

What we're looking ahead for for 2007 really relate to a group of, you know, categories of expenses which traditionally had been a problem. The Budget Office has two budget models, one tracks the broad major factors that are going to be influencing 2007, and then the detailed model actually looks at hundreds of individual line items and has a great deal of detail, both with respect to the revenues and expenditures. Both of those models are relatively close as well.

The largest problems that, in fact, we're looking for for 2007 is we had an extraordinarily large carry over fund balance of \$124 million which balanced out the 2006 Operating Budget. To the extent that does not rematerialize there will be a tax increase.

We're looking at salary increases because of the contracts and the arbitration awards that are going to increase expenses roughly 37 million dollars. We are looking at health costs for the Employee Medical Health Program of approximately ten to 12 percent that will increase costs approximately \$19 million.

We have pension cost increases, which will increase the cost approximately \$30 million. Debt service is going up about \$11 million. Medicaid is going up about \$8 million. The Preschool Handicapped Children's Program is going up about six, and we're assuming a four percent increase at the Community College contribution. That adds about \$2 million.

So in total, the net types of increases that we're looking at is about \$237 million. Offsetting that, we are anticipating sales tax growth of 3%. That could be optimistic. We haven't brought that down, but that would generate about 25 •• I'm sorry. Roughly \$45 million worth of additional revenues. In addition to that, there's approximately \$25 million where we feel that the estimated carry over fund balance will be larger. So in total we're anticipating about \$70 million worth of either increased fund balance or increased sales tax. That leaves a net of about \$167 million. Again, that's on a cost to continue budget with no layoff salary increases in place.

We then start to look at what type of options we have. The County Executive's Office is carefully reviewing SCIN forms as well as what's called other than personnel costs, OTPS. We feel that we can generate approximately \$24 million worth of savings this year. We can generate approximately another \$24 million next year. Part of our budget forecast we assume the total use of the pension reserve fund, \$12 million, total use of the debt stabilization reserve fund of \$11 million, total use of catastrophic illness reserve of \$10 million. That would generate an additional \$81 million that we could reduce the base case type of scenario.

That being the case, we have a projected shortfall in both the General Fund and the police district, after using all the reserve funds and taking into account turnover savings of approximately \$86 million. Even though that's less than what we face during 2004, you know, if you look at the numbers

historically, those are significantly larger numbers than we had ever experienced in the past.

So what we're currently doing is we are preparing plans to discuss with the County Executive with respect to where we could either increase revenues or further reduce costs. We had a special all department head meeting last week when we briefed the department heads with respect to what our forecasts are. We're going to be meeting with them over the next two weeks to find out what their ideas are. We would like to work cooperatively with the Legislature to insure that whatever reserves are currently in the budget are maintained in the budget so they can be used in the preparation of the 2007 Operating Budget. And the County Executive will be reaching out to the Legislators as we have individually just to discuss what type of options we're going to be looking at with respect to the preparation of the 2007 Operating Budget.

That's it kind of in a nutshell. If there are any questions I'll be happy to try and answer them.

CHAIRMAN MONTANO:

Yeah, I have some questions. We are going to have a list. I just want to go back to one thing, well, a couple of things. I'm not sure I heard you. You said that you anticipate an \$86 million shortfall in the General Fund and the police district at the end of this year?

MR. POLLERT:

No. That would be if we prepared a cost to continue budget for 2007.

CHAIRMAN MONTANO:

Okay.

MR. POLLERT:

So the bottom line would be roughly \$86 million consolidated between the two. However, that \$86 million was already reduced by taking certain actions such as reducing the other than personnel services costs, carefully reviewing the SCIN forms, and also using those reserve funds, which we established in the 2006 Operating Budget.

CHAIRMAN MONTANO:

One comment you made earlier, and I want to make sure I heard this right before I misquote. If the fund balance doesn't equal the \$124 million •• do you remember that comment?

MR. POLLERT:

Yes.

CHAIRMAN MONTANO:

Did you indicate there that we would need a tax increase? Is that what I heard or not heard?

MR. POLLERT:

Basically, the •• Suffolk County is unique in the State of New York in that we're the only county that requires returning the fund balance to the taxpayers as a credit. So last year for 2005 we had an estimated carry over fund balance of about \$124 million General Fund and the police district. That really needs to be considered a non•reoccurring revenue. To the extent that we don't have a substantial carry over fund balance as a credit to the taxpayers during 2006, there will be a property tax in 2007, everything else being equal.

The difficulty is a significant portion of that carry over fund balance from 2005 were attributed to non•reoccurring types of events. We had a \$25 million accounting adjustment to Medicaid. That's going to be non •reoccurring again. That was a onetime non•reoccurring type of an event.

In addition to that, there was a whole group of other items that generated the fund balance that in all probability we're not going to be reoccurring again. So both the Budget Review Office as well as the Budget Office do not believe that we will be able to materialize a fund balance that even comes close to approximating this \$124 million.

CHAIRMAN MONTANO:

Thank you. Legislator Alden.

LEG. ALDEN:

Fred, I think it was at our last meeting we cancelled an expense that was in the budget for this year of somewhere between 90 and \$100 million?

MR. POLLERT:

Right.

LEG. ALDEN:

And that was for paying our •• it's not debt to New York State, but our retirement costs.

MR. POLLERT:

Yes, that's correct.

LEG. ALDEN:

That goes right to the fund balance.

MR. POLLERT:

That goes to the fund balance, however, the carry over fund balance from the previous year was reduced by a like dollar amount when we made the pension payment. So when the budget was presented to the Legislature and we estimated the 2005 carry over estimated fund balance, we had not anticipated making the pension payment.

The pension payment was made during 2005 and it brought down the fund balance dramatically. Over two years the two items wash out. We're going to be saving money in 2006 but we didn't carry over. The actual fund balance will be substantially less than what we budgeted of \$125 million.

LEG. ALDEN:

Okay. But the \$90 million, how much is that going to be reduced by? We have a payment that we have to make that will reduce that or is that ••

MR. POLLERT:

Right now the Budget Office is not anticipating making a pension payment during 2006. So the last two years we were fortunate to be able to make the pension payments in advance. Looking at the budget numbers this year,

there's no way at this point in time that we're anticipating making a pension payment in 2006.

LEG. ALDEN:

Okay. So it might be, you know, the start of a fund balance or the seed money, so to speak. Ninety or \$100 million, that doesn't evaporate. That goes to the bottom line in '07.

MR. POLLERT:

Actually, both Gail and myself have been struggling with the proper way to try to present because, frankly, we've had a very difficult time with the rating agencies trying to present to them what actually goes on. The carry over fund balance from 2005 that we adopted, that we actually we returned to the taxpayers, that \$125 million was reduced because we made the pension payments. So we gave money back that, in fact, we had spent on the pension.

So this year we had the money budgeted for the pension, we're not going to spend it, it's going to wash out over the two years. But it doesn't generate an additional \$90 million worth of fund balance. The fund balance remains identical over two years.

LEG. ALDEN:

Okay, but if you took the budget, it got reduced by, you know, \$90 million.

MR. POLLERT:

That's correct, but ••

LEG. ALDEN:

Going forward to '07.

MR. POLLERT:

Right. But what the trade•off is we inflated the budget by \$90 million more than we ever anticipated last year. So when the budget was estimated and approved by the Legislature for 2005, we increased those expenditures by \$90 million after the budget was approved for 2006. So we took the money out of 2006, but we spent the money in 2005.

LEG. ALDEN:

Okay. Now, one more thing, just touch on Medicaid. Are you following that •• I think it's going up to the Appellate Division and maybe it is more appropriate for Legislator Stern and Legislator D'Amaro, I'll probably ask them later on, but there's a lawsuit to make the whole area a little bit more uniform as far as who gets paid Medicaid benefits. That could reduce our Medicaid obligations substantially, couldn't it?

MR. POLLERT:

Frankly, I really don't know what the details are with respect to the lawsuit, but I will say that the County is continuing to be very like proactive with respect to the Medicaid expenses. So during the 2006 Operating Budget the Legislature approved creation of a new audit team that the County Executive had proposed trying to deal with Medicaid fraud.

We're now •• signed a memorandum of agreement with the State of New York and we're beginning training of exactly what that audit team is going to be doing. We've got the SCINs in, we've signed the SCINs, so hopefully we're anticipating that we're going to have some recoveries in the Medicare fraud area. However, based upon discussions with the Department of Social Services as well as the District Attorney's Office, that some point in the future the cases are not going to be made and closed during 2006.

LEG. ALDEN:

That's part of it but part of it •• in New York City there's a different eligibility requirement, you know, who's eligible for Medicaid as opposed to out here in Nassau and Suffolk and that's one of the things that they're looking to make it as far as a uniform criteria throughout all of New York State. And I believe the Governor just got on•board with •• I'll take it up with you guys later.

CHAIRMAN MONTANO:

All right. Any questions? Fred, I hope you are feeling better. I want to thank you for coming today and giving us your time. We'll be calling you back so that we can, you know, move along on this.

I'm going to ask BRO, I don't know if you want to stay, but I'm going to ask BRO to comment also and give their projections and then we'll get back to the agenda. Gail, it's yours.

MS. VIZZINI:

Well, Fred covered much of the information. Both offices have their independent models, which is basically a host of assumptions that we make about how revenue are going to be coming in and expenditures that have to be made or how those expenditures are going to go up.

When all is said and done, the Executive Budget Office is at 81 million in terms of how costs are going to go up from 2006 to 2007. We're at 66 million. So as Fred indicated, we're about the closest we've ever been, in at least the last two years. We're about \$15 million apart, which in the scope of the Operating Budget is not a lot of money.

We are pretty much in agreement in terms of the contributing factors, the usual suspects as we refer to them, salaries and those things associated with salaries, health insurance, retirement. Medicaid is not the problem it used to be, but it is still increasing by 3.25%.

And the biggest concern is, although there is growth in sales tax, it is not 6% anymore, it is closer to 3.5% for 2006, which we think at this point is on target. The first two checks for 2006 were •• were •• were good news, basically. The •• but we do not expect 6% growth rates anymore. We're hovering around 3%. And sales tax has contributed in the past to being a big chunk of what is the fund balance.

We expect the fund balance at the end of 2006 to be •• in the General Fund to be closer to \$78 million, rather than the 119 which we had last year. So the inability to regenerate the sales tax at such •• the way we did and also to regenerate the fund balance the way we have are two contributing factors.

CHAIRMAN MONTANO:

Gail, if I may.

MS. VIZZINI:

Sure.

CHAIRMAN MONTANO:

Last year we projected the growth in the sales tax at what, 3.5?

MS. VIZZINI:

Correct.

CHAIRMAN MONTANO:

And it came in at 3.5 or there about?

MS. VIZZINI:

From what we adopted, there was roughly an \$18 million shortfall, but when we do the 2006 budget, we, of course, you know, check everything. There was a \$6.5 million shortfall from even what we anticipated kind of at the end of 2005.

CHAIRMAN MONTANO:

Okay. And this year going into next, what do we think we're looking at?

MS. VIZZINI:

Well, we budgeted 3.5%, and that •• you know, so far the returns are good, and keep in mind that we did •• we temporarily repealed the home energy tax, but we took that into consideration when we put the numbers in the 2006 budget.

CHAIRMAN MONTANO:

So I'm not sure I'm asking this right, but what I'm hearing is that 3.5 may not be the number next year?

MS. VIZZINI:

No, we don't ••

CHAIRMAN MONTANO:

It's too early.

MS. VIZZINI:

Well, for 2007? We're looking at 3%.

CHAIRMAN MONTANO:

Three percent.

MS. VIZZINI:

We want to be conservative. The last thing you want to do is be too optimistic in terms of your revenues coming in. Then you dig yourself an even bigger whole. Your expenditures, at least the County Executive can exercise the necessary control during the year, but if your revenues are not coming in there's not too much you can do.

LEG. SCHNEIDERMAN:

So your model assumes 3%.

MS. VIZZINI:

Yeah.

MR. POLLERT:

What the previous growth was from 2003 to 2004 in sales tax, we had an 8.9% growth which dropped to 2.76% last year. The 2006 budget is predicated upon a three•and•a•half percent growth for 2007. We've moderated that to a 3% growth. Again, talking with _Erwin Kellner_ , he thinks that is kind of on the optimistic side.

CHAIRMAN MONTANO:

Any questions? Legislator Schneiderman.

LEG. SCHNEIDERMAN:

A couple of questions about the model. Your model assumes that there be no continuation of the relief on home energy tax?

MR. POLLERT:

That's correct. We assumed, with the sales tax plugged in, that the temporary exemption on the residential energy would expire at the end of

May as is currently anticipated. If that exemption continued forward, we'd be looking at a worsening of the model to the tune of roughly \$18 million.

LEG. SCHNEIDERMAN:

And in your model are you assuming the identical tax rate for '07 as '06 in terms of •• in the police district, in whole county?

MR. POLLERT:

Yes. So that is part of the base case, what would the shortfall be. So the shortfall translates directly into a potential tax increase.

LEG. SCHNEIDERMAN:

Right. Now, the General Fund was basically flat last year in terms of taxes. There was a slight decrease and the police district went up by a couple of percentage?

MS. VIZZINI:

10.4 million.

LEG. SCHNEIDERMAN:

10.4 million.

MS. VIZZINI:

2.5%.

LEG. SCHNEIDERMAN:

So if the same increases were in place, it would basically cut that \$87 million shortfall to 77, something like that, or is that only •• affects the police district.

MR. POLLERT:

The taxes in the police are roughly \$400 million, so if there was a 4% increase hypothetically, that would generate about \$16 million worth of additional revenues. You know, clearly, a policy option is the amount of sales tax flowing into the police district vis•a•vis what type of tax increase will be adopted for the police district. So in large part the 2 1/2% increase in the police district last year was held that low because of the significant

amount of sales tax was distributed to the police district.

LEG. SCHNEIDERMAN:

Does your model use the same distribution of public safety revenues, sales tax portion of public safety revenues?

MR. POLLERT:

Yes, it does. And it also continues the town revenue sharing as well.

LEG. SCHNEIDERMAN:

Okay. Because I know there's the statutory authority to go up to what, three•eighths?

MR. POLLERT:

Yes. It's now to three•eighths of a cent, but we maintained it at the same dollar amount.

LEG. SCHNEIDERMAN:

Okay, at a quarter. So •• and your model assumes that would stay the same.

MR. POLLERT:

Yes.

LEG. SCHNEIDERMAN:

What about the pre•paying of retirement? Is that •• I think last year we •• or in this year's budget as well we have the pre•paying of retirement. Is that anticipated?

MR. POLLERT:

For the 2006 budget the way it was adopted it was anticipated that we would make the pension payment during 2006. We, in fact, made the payment in 2005. We struck the appropriations for 2006. The way the budget model looks, you're not going to have a large enough fund balance or sufficient appropriations to be able to make another pre•payment this year.

LEG. SCHNEIDERMAN:

Well, not a full pre•payment? A portion?

MR. POLLERT:

As far as I know they don't ••

LEG. SCHNEIDERMAN:

You talked about a fund balance of •• I might not have written it down but I think it was around \$78 million rather than one hundred and ••

MR. POLLERT:

Yeah, it's a requirement of the State of New York that you don't make a partial payment. You have to make the complete payment ••

LEG. SCHNEIDERMAN:

Full?

MR. POLLERT:

Right. And last year the payment was in excess of \$103 million.

LEG. SCHNEIDERMAN:

So this year you're not anticipating making any payment.

MR. POLLERT:

That's correct. And that's also consistent with the Budget Review Office.

LEG. SCHNEIDERMAN:

What will happen, then, to that \$78 million reserve?

MR. POLLERT:

That's going to carry over •• that was the estimate of the Budget Review Office. That's going to carry over in 2007 as a credit. But even carrying that over as a credit, the numbers that Gail cited, you continue to have a substantial projected shortfall for 2007.

So, part of what the Budget Review Office's model took into account, and I

don't want to speak for them, includes the use of the reserve funds like we did, assumed a level of turnover savings and assumed that, in fact, we would be able to generate the carry over fund balance from 2006 into 2007.

MS. VIZZINI:

Just to clarify. Our 66 is prior to using the reserve funds.

MR. POLLERT:

Oh, okay.

LEG. SCHNEIDERMAN:

Just to give me a sense that between picking a number •• a sales tax growth of 3% versus three•and•a•half percent, what does that half a percent generate?

MR. POLLERT:

Roughly \$5 million.

LEG. SCHNEIDERMAN:

No, no. No, it would •• \$5 million?

MR. POLLERT:

Right.

SCHNEIDERMAN:

If it came in at three•and•a•half versus 3%?

MR. POLLERT:

Right. The problem is, is that you would need sales tax in the range of 6 to 7% to deal with the type of shortfall which we're looking at.

LEG. SCHNEIDERMAN:

Okay. So it's really •• it's unlikely that we'll be able to •• even if the economy is better than last year we're still going to have a shortfall. Unless it's significantly better.

MR. POLLERT:

That's correct. That's our estimate at this time.

MS. VIZZINI:

I want to kind of rescind what I just said about the reserves. It includes using the reserves but not tax stabilization reserve.

MR. POLLERT:

So it uses •• both the Budget Review Office as well as the Budget Office used 100% of all the reserves that we have in the budget with the exception of the tax stabilization reserve fund. We did use the catastrophic illness, we did use the debt stabilization reserve, we did use the pension reserve, but neither one of the models coming up with the base case anticipated using tax stabilization reserve.

LEG. SCHNEIDERMAN:

How much is in tax stabilization?

MS. VIZZINI:

\$117 million.

LEG. SCHNEIDERMAN:

But now that can only be tapped if there is a tax increase of above 4%?

MS. VIZZINI:

2.5% on the warrant.

LEG. SCHNEIDERMAN:

5%?

MS. VIZZINI:

2.5. It's •• the tax stabilization reserve fund can only be used for the General Fund. That would be an increase •• a tax increase of \$1.3 million. Roughly \$1.80 per taxpayer.

CHAIRMAN MONTANO:

Gail, if I may. It's not 5%, it's not .5. How much •• is it 2.5% increase?

MS. VIZZINI:

Yes.

CHAIRMAN MONTANO:

Because we heard differently up here.

MS. VIZZINI:

2.5% increase.

CHAIRMAN MONTANO:

2.5, just for the record.

MS. VIZZINI:

Yes, right. And in terms of Legislator Schneiderman's questions regarding the models, the only other distinction I wanted to mention in the Budget Review model is that we have included certain latitude, more latitude than we have in the past for the filling of positions. We've included roughly six million dollars to fill additional vacancies in '06 with the idea that that would be carried through to 2007 and then an additional six million dollars in 2007.

Part of that is our concern about the demographics of the workforce and whether there is or there isn't an early retirement incentive. There are a lot of people eligible for natural retirement in some of our major departments, Social Services, Probation and Health, which we went into during our operating review and we just generally have concerns about bringing new blood in and assuring that there are resources to continue service delivery.

LEG. SCHNEIDERMAN:

Can I just ask •• how many employees does the County approximately have at this point? Do you know that figure?

MS. VIZZINI:

11,000.

LEG. SCHNEIDERMAN:

Eleven thousand? And how many are we carrying in terms of retired

employees in terms of health benefits and pensions? Approximately. I won't hold you to it.

MS. VIZZINI:

We have about 20,000 people enrolled in our health insurance enrollees •• about one•third are retirees.

LEG. SCHNEIDERMAN:

Okay. So the rest would be employees and their families.

MR. POLLERT:

Yes. In total there are 45,000 covered lives, which include the children and the dependents and so on and so forth. There are about 20,000 actual enrollees. Of that 20,000, approximately one•third are retirees.

CHAIRMAN MONTANO:

Last question. Gail, I guess your last comment begs a question. Is it possible or is it in the scenario that we would be looking to tap into the tax stabilization fund for next year?

MS. VIZZINI:

I think that's among many policy decisions that we'll be presenting to you and you'll be making along the line as the County Executive crafts his 2007 budget and we review it.

CHAIRMAN MONTANO:

All right. But that's not factored into your models today.

MS. VIZZINI:

No.

CHAIRMAN MONTANO:

Just so we're clear on that.

MS. VIZZINI:

Yeah. The 81 the 66, no.

CHAIRMAN MONTANO:

Okay. Any other questions by anyone on the panel?

LEG. ALDEN:

Quick question.

CHAIRMAN MONTANO:

Legislator Alden.

LEG. ALDEN:

Fred, before, you know, when you started you said that we're in approximately the same position we were at the same time last year?

MR. POLLERT:

No. What I said is that normally at the beginning of the year the first forecasts that come out have a significant amount of noise in them but this is really different because a lot of the noise used to be introduced because we didn't know what the pension costs were, we didn't know what Medicaid was going to be, we didn't know what the salaries were. We more or less have those locked in at this point in time. Medicaid is no longer the wild card. You know, over the last one or two years significant portions of the fund balance have come about because the Medicaid numbers came in lower than our best estimates. That is really no longer the case. So •• like at this point in time we probably have a far more accurate forecast than we have ever had in the past only because a lot of the major components that introduced variability into the forecast are no longer on the table.

LEG. ALDEN:

Would you say we're similar to last year, we're worse?

MR. POLLERT:

No. Actually, last year we were in relatively good shape. When we did the budget last year we knew that we weren't going to have a problem during 2006. So, you know, like the same point in time last year, part of the reason we never appeared before the Legislature is we were on track for a good budget during 2006. So I can't really remember having a discussion

last year that we were forecasting major shortfalls.

LEG. ALDEN:

Okay. So we're in worse shape.

MR. POLLERT:

Yes.

LEG. ALDEN:

And it wasn't just that you didn't like Mike that you didn't show up? That's a question on all of our minds, but that's all right.

MR. POLLERT:

No, it had nothing to do with it.

CHAIRMAN MONTANO:

Fred, thank you very much. Be well.

MR. POLLERT:

Thank you.

CHAIRMAN MONTANO:

Meanwhile, Gail, thank you also and your people. We're going to get back to the agenda. I have two cards, Deanna Marshall, Director, Division of Women's services. She's here to speak, I guess, on behalf of the County Executive.

MS. MARSHALL:

Okay.

CHAIRMAN MONTANO:

I don't know. You tell me.

MS. MARSHALL:

Yes.

CHAIRMAN MONTANO:

All right. Resolution 1239, mitigating domestic violence.

MS. MARSHALL:

Yes. Good morning. Good morning, Mr. Chairman and members of the Legislature. I'm here to speak on that bill, as you said, because I just wanted to make sure that everyone understood why we're looking at something like that. When we're looking at victims of domestic violence, we're looking at people who have had to leave everything. They've had to leave their homes, they've had to leave their cars, they've had to leave their clothing. And sometimes they end up in places where they have absolutely no access to their financial resources. The reason for that is domestic violence does not begin with the hitting. The whole process of domestic violence actually takes place with emotional abuse and then financial abuse. These victims are separated from their finances, they're controlled by that person.

Now, unfortunately, the way that our system works, in order for them to return to normal life and not end up in a shelter or not end up on public assistance, they have to go through the divorce process and there they will have the alimony and there they will have their child support and there they have the fair distribution of their property, of the cars, and everything that they really need to get their lives back in order.

One of the reasons why I'm here talking about this is because I think this is a very important step for us to take to make sure that the victims who are out there in our shelters or on public assistance have that ability to regain some of their life back, something that they've worked for.

CHAIRMAN MONTANO:

Deanna, are you aware that we're awaiting a decision or directive from the Appellate Division as to whether or not this program can be implemented in the manner that it's proposed?

MS. MARSHALL:

Absolutely. The County Attorney is working on that, yes.

CHAIRMAN MONTANO:

When it comes up we will table the resolution but for that reason only.

MS. MARSHALL:

Thank you.

CHAIRMAN MONTANO:

Thank you, Deanna.

LEG. VILORIA • FISHER:

Thank you.

CHAIRMAN MONTANO:

And last but not least we have Carolyn Fahey, from the Economic Development and Workforce Housing Division and she'll speak on •• Carolyn is going to speak on resolution •• IR 1158.

MS. FAHEY:

Good morning. Real briefly. Carolyn Fahey, Economic Development, Workforce Housing Department. IR 1158 transfers funding for the Suffolk Community Council Transportation Advocacy Program from the Department of Public Works to the Department of Economic Development.

Commissioner Morgo has had conversations with both the sponsor and the agency, the Community Council, and we don't see a reason why this is being transferred over to our department. There's no clear reason why it shouldn't stay in Transportation in DPW.

The purpose of this contract is to improve ways for our community residents to use public transportation. It just seems like moving it to Economic Development would put a middleman in the process. If it were in our department we would have to turn around and bring Transportation and DPW back in for any sort of process or recommendations that are made.

So we just ask that you reconsider leaving this contract in Transportation versus moving it to Economic Development.

CHAIRMAN MONTANO:

Any questions? Legislator Vilorio•Fisher.

LEG. VILORIA•FISHER:

Mr. Chair, I spoke with the Commissioner and I have spoken with Ms. Fahey and I'm going to make a motion to table this today.

CHAIRMAN MONTANO:

Fine. Thank you very much.

MS. FAHEY:

Thank you.

CHAIRMAN MONTANO:

Okay. Is there anyone else wishing to address the Legislature or the Budget Review Committee, rather? Moving on to the tabled resolutions.

1049, Repealing home energy nuisance tax on Suffolk County residents. (Alden)

LEG. ALDEN:

Motion to table.

LEG. COOPER:

Second.

CHAIRMAN MONTANO:

Motion to table by Legislator Alden, second by Legislator Cooper. All in favor? Opposed? Abstentions? Passes •• to table, that is.

(Vote: 7•0•0•0).

1052, Establishing a program to reduce unfair home energy nuisance tax on Suffolk County residents. (Alden)

LEG. ALDEN:

Motion to table.

LEG. COOPER:

Second.

CHAIRMAN MONTANO:

Motion to table by Legislator Alden, second by Legislator Cooper. All in favor? Opposed? Abstentions? Carries. **(Vote: 7•0•0•0)**

LEG. VILORIA•FISHER:

Can you please put me with the majority on that? I stepped out for a second.

CHAIRMAN MONTANO:

Moving on to the Introductory Resolutions. **1158, Amending the 2006 Operating Budget to transfer funding for the Suffolk Community Council Transportation Advocacy Program. (Viloria•Fisher).**

Legislator Fisher.

LEG. VILORIA•FISHER:

Motion to table.

CHAIRMAN MONTANO:

Second by myself. All in favor? Opposed? Abstentions? Motion carries. **(Vote: 7•0•0•0).**

1166, Amending the 2006 Operating Budget in connection with the purchase of two stretchers and two stair chairs for the Medford Volunteer Ambulance. (Eddington)

LEG. COOPER:

Motion to approve.

CHAIRMAN MONTANO:

Motion to approve by Legislator Cooper. Let's get this on the motion first.
Motion to approve by Legislator Cooper. Do I hear a second? I'll second it.

LEG. ALDEN:

On the motion.

CHAIRMAN MONTANO:

On the motion, Legislator Losquadro. By the way, I might point out I believe that there's an amended copy of the resolution that should have been handed to everybody. Does everybody have a copy of the amended •
•

LEG. COOPER:

Yep.

CHAIRMAN MONTANO:

Resolution?

LEG. VILORIA • FISHER:

No.

CHAIRMAN MONTANO:

Legislator Losquadro it should be in the package. And what I'll do is I'll ask Counsel in the interim to explain the amendment.

LEG. LOSQUADRO:

Yeah. In the interim if I can get an explanation.

CHAIRMAN MONTANO:

Excuse me, Legislator Losquadro?

LEG. LOSQUADRO:

If I can get an explanation.

CHAIRMAN MONTANO:

Yes, we are going to get that from Counsel.

MS. VIZZINI:

Actually, the amendment is more a budgetary change. The offset was changed. The sponsor desired to give the Medford Ambulance Company

\$22,000 and the offset for that 22,000 was 4,000 from the Mastic/Shirley Youth and \$18,000 from FRES radio and communication. The previous offset was replaced by this one.

CHAIRMAN MONTANO:

Does that explain it?

LEG. LOSQUADRO:

To an extent. One, I would like to just make sure that Fire, Rescue and Emergency Services can do without this money from their budget to improve their radio and communications. And secondly, we've said this many times in the past, but to me this seems like an item that will be covered under member item or omnibus funding seeing as it's very district specific.

LEG. VILORIA•FISHER:

I thought that it was.

LEG. ALDEN:

That would be my question, too. If this was member item that was just being changed, because there is a number of other ones in here that look like the same category, and that would be a question to Budget Review. Is this a member item, even the FRES money? Does that reflect a change in member item from last year or this year, whatever?

MS. VIZZINI:

Well, the original version reflected a change in member items, plus an additional backfilling of one of the items and that offset was unacceptable to the County Executive's Office. So this •• the radio and communication was a replacement offset.

LEG. ALDEN:

Can I just ask one other question, then? So that's additional money as far as the •• I'm trying to phrase this right, the grant money ••

CHAIRMAN MONTANO:

You're doing well. Go ahead.

LEG. ALDEN:

The grant money that we had last year to direct, so that would be in addition to the ••

MS. VIZZINI:

It would be an additional \$18,000.

LEG. ALDEN:

To the grant money as far as allocation to that legislative district from last year.

MS. VIZZINI:

Yeah, but it's offset by the reduction in FRES.

LEG. ALDEN:

Right, but we ••

CHAIRMAN MONTANO:

Which we have done that in the past in a number of instances. Is this Legislator Eddington's bill? All right, was not a member last year. We did have some objections to the offset. Let me hear from the County Exec's Office with respect to the offset. Do you have any concerns about the or objections to the proposed offset if we were to pass this resolution?

MR. ZWIRN:

No. We talked to FRES and, you know, they wouldn't like to see this happen for every district, certainly, but they can do this out of their equipment account.

CHAIRMAN MONTANO:

Okay.

LEG. ALDEN:

I have a few other changes I'd like to make, then.

CHAIRMAN MONTANO:

All right. We have a •• what's the motion on the table, by the way?

MS. ORTIZ:

Motion to approve.

CHAIRMAN MONTANO:

Motion to approve and seconded. Is there any further discussion on the motion?

LEG. LOSQUADRO:

On the motion.

CHAIRMAN MONTANO:

Yes, Legislator Losquadro.

LEG. LOSQUADRO:

I'm disheartened to see that it seems as though this discussion will be fruitless, but •• and I don't appreciate the smirks here because over the past two years these items that are very district specific have been looked at as just that, they do not serve a benefit county wide and they have been left to the discretion of the individual Legislator, you know, to budget the resources that are given to each individual district accordingly.

If there is a group that is more deserving or more in need than another, if it constitutes a greater public benefit to that Legislator's district, then they should, you know, amend their contract agencies. If he does not agree with some of the recommendations made by Legislator Foley, then he should take some of the money away from one of the groups that was contracted by Legislator Foley and give it to this group which he feels is more deserving in his district. I disagree with this because I see this as a district specific item.

LEG. ALDEN:

On the motion.

CHAIRMAN MONTANO:

On the motion, Legislator Alden.

LEG. ALDEN:

I also think that, you know, we fairly debated the budget last year, the 2006 budget, and we in our infinite wisdom, as far as being 18 Legislators, decided that ••

LEG. VILORIA•FISHER:

Let's not get carried away, Cameron.

LEG. ALDEN:

FRES needed •• what? But FRES needed X number of dollars for ••

CHAIRMAN MONTANO:

I think our wisdom is finite, right Vivian? Go ahead. Our finite wisdom, that sounds better.

LEG. ALDEN:

No, I would say infinite. But anyway, we decided that FRES needed this type of equipment and this amount of money. So in that regard I don't think this is the right direction to go in. But number two, as was stated by Legislator Losquadro, we've been, you know, for eight years I've been here we've been very consistent as far as, you know, on your district allocations and not adding to those and taking away from the County's benefit as a whole. So I think that there was probably more than enough money in each district to take care of district initiatives and that should have been the way to go. And we're going to set a real bad precedent right now if we go and approve this type of reallocation ••

MR. SCHNEIDERMAN:

Put me on the list.

LEG. ALDEN:

•• of the 2006 Operating Budget money.

CHAIRMAN MONTANO:

Legislator Schneiderman and then Legislator Vilorina•Fisher.

LEG. SCHNEIDERMAN:

I think it might be a bad precedent if we just said that our district specific monies are limited solely to those member items that we get at the end of the year. There are some things that need to happen that may have some county benefits as a whole that might be timely. Now, I don't know if this one is timely in terms of not being able to wait to the budget cycle but there may be things that come up.

I have something on the agenda, too, that's in my district, that's a community ball field that cannot wait. That was not brought to my attention last year and if it doesn't happen this year then a lot of kids in schools in a large area won't get to play on those fields. So I think that sometimes, and I'll make the argument when we get there, you do need to.

And if Legislator Eddington found a place within the budget where money can be taken that's not going to be used for another purpose, as I have done in my resolution, which is a much smaller amount of money, I don't want it to be held against me what happens later when it comes to my resolution because it is similar. I think it's important and so I am going to support Legislator Eddington on this.

Just one final comment.

CHAIRMAN MONTANO:

Wait. I think Legislator Vilorio•Fisher was next, unless she wants to yield.

LEG. D'AMARO:

And then myself, Mr. Chairman.

LEG. VILORIA•FISHER:

No, I don't want to yield. Last year Legislator Losquadro and I needed to argue the case for a resolution in which we had provided funds for Mather Hospital. Some at the horseshoe argued that that was a district specific allocation and that we had had ample opportunity during the omnibus process to present that particular amount of money. However, the issue came up after the budgetary timeframe and Legislator Losquadro and I together sponsored the money for this program that was very necessary to Mather Hospital so that they could leverage it to receive more monies. I

believe that Legislator Eddington is facing the same ••

CHAIRMAN MONTANO:

Sorry, Vivian.

LEG. VILORIA • FISHER:

I believe that Legislator Eddington is facing the same type of situation here where he had even less of an opportunity to move forward with the support that he said has been brought to his attention as being a dire need in a local fire department. He doesn't have •• he did not have, because of his not being a Legislator at the time, the ability during the omnibus discussions to include this in the budget. He was able to reach into the budget and take out some of the allocated monies in the \$4,000 sum, but he simply didn't have the resources available to take out of a program without decimating a program which Legislator Foley had supported.

So we do indeed have precedent for this. And if you recall, Legislator Losquadro, Legislator Montano was one of the Legislators who opposed our resolution to support the Mather Hospital.

CHAIRMAN MONTANO:

It's \$15,000.

LEG. VILORIA • FISHER:

And we did move forward with that and we did prevail and I believe that the money was very well spent. And part of our argument was that that hospital does provide some regional support. And also, any fire department supports it's neighboring fire departments. So I hope we don't balkanize, in an effort to be fair I hope we don't over balkanize our needs.

LEG. LOSQUADRO:

Mr. Chairman.

CHAIRMAN MONTANO:

Hold on. I think we have Legislator D'Amaro next unless he wants to yield.

LEG. D'AMARO:

Go ahead.

CHAIRMAN MONTANO:

And then Legislator Losquadro and then Legislator Alden.

LEG. LOSQUADRO:

Just very quickly. I had a feeling Legislator Vilorio•Fisher was going to bring up that resolution from last year. The reason that I see this as different is that was for a hospital, it was a joint resolution by two Legislators, and it truly did serve a wider public interest, because that hospital will be designated as a stroke center, which would serve the entire north shore •• arguably the entire east end of Long Island for that purpose. So I certainly did not see that as a district specific item and that was the only reason why I supported it and put my name to it. I remain steadfast in my belief that this is a district specific item.

CHAIRMAN MONTANO:

All right. Do you know what I am going to do? I'm going to take the prerogative of the Chair and move this to the end of the agenda because we may have some further debate on this. I'm going to bring it back later but I am going to move on to the next item. So if we can we'll just pass over this. I'll recognize Legislator Alden when we come back.

LEG. ALDEN:

And Legislator D'Amaro.

CHAIRMAN MONTANO:

And Legislator D'Amaro.

LEG. ALDEN:

He was ahead of me.

CHAIRMAN MONTANO:

Okay. So let's move on. That was 1166. Let's move on to **1168, Amending the 2006 Operating Budget and transferring funds for Long Island Cares (Kennedy)**. Is there a motion?

LEG. ALDEN:

I'll make a motion to approve.

LEG. VILORIA • FISHER:

Second.

LEG. ALDEN:

On the motion.

CHAIRMAN MONTANO:

Discussion on the motion, Legislator Alden.

LEG. ALDEN:

Just asking Budget Review, is this part of the funds that the Legislator used for district initiatives?

MS. VIZZINI:

Yes. And this is really more tantamount to a name change. The legal name is Long Island Cares.

LEG. ALDEN:

Thank you.

CHAIRMAN MONTANO:

Okay. Call the question. All in favor? Opposed? Abstentions? Motion carries. **(Vote: 7•0•0•0).**

Moving on to **1169, Amending the 2006 Operating Budget and transferring funds to provide for Emergency Medical Care Training and Equipment (Lindsay).** I'm going to make a motion to table at the request of the sponsor.

LEG. ALDEN:

Second.

CHAIRMAN MONTANO:

On the motion. All in favor? Opposed? Abstentions? Motion to table carries. **(Vote: 7•0•0•0)**

Moving on to IR **1175, Adopting Local Law No. 2006, A Charter Law to provide for fair and equitable distribution of public safety sales and compensating use tax revenues. (Romaine).** Do I hear a motion?

LEG. SCHNEIDERMAN:
Motion.

LEG. VILORIA•FISHER:
Table for public hearing.

LEG. ALDEN:
It has to be tabled for public hearing.

CHAIRMAN MONTANO:
Motion to table for public hearing. That will be at the next ••

MR. SCHNEIDERMAN:
So I'll make a motion to table, then.

CHAIRMAN MONTANO:
You'll make a motion to table until when? Is that the next budget meeting or the public hearing?

LEG. SCHNEIDERMAN:
We'll just table it one cycle.

CHAIRMAN MONTANO:
All right. Next meeting.

LEG. SCHNEIDERMAN:
Just a straight table.

LEG. MONTANO:
Moving on to 11 •• on the motion, all in favor?

MS. ORTIZ:

Did we get a second?

CHAIRMAN MONTANO:

We need a second.

LEG. LOSQUADRO:

I'll second it.

CHAIRMAN MONTANO:

Legislator Losquadro. On the motion. All in favor? Opposed? Abstentions?
Motion carries. **(Vote: 7•0•0•0).**

**IR 1176, Amending the Adopted 2006 Operating Budget and
transferring funds for various contract agencies to the Downtown
Revitalization Program (CP 6412). (Alden)**

LEG. ALDEN:

Motion to approve.

CHAIRMAN MONTANO:

Do I hear a second?

LEG. LOSQUADRO:

Second.

CHAIRMAN MONTANO:

Okay.

LEG. VILORIA•FISHER:

On the motion.

LEG. ALDEN:

On the motion.

CHAIRMAN MONTANO:

On other on the motion. Hold on. I'm going to ask Carolyn Fahey from the County Exec Economic Development to come forward. Carolyn, I think you had some comments on this resolution?

MS. FAHEY:

Questions or ••

CHAIRMAN MONTANO:

Well, if there are any questions •• stand by the podium in case there are any questions. On the motion •• Legislator Schneiderman, was that you that wanted to speak?

LEG. SCHNEIDERMAN:

No, no questions.

LEG. VILORIA•FISHER:

No, you must think he has a high voice. It was my question.

CHAIRMAN MONTANO:

It was your question. Legislator Viloría•Fisher.

LEG. VILORIA•FISHER:

I just wanted to ask the sponsor, could you just explain, I was a little confused about the programs. Are these contract agencies that weren't going to be using the money and so you put it in Downtown •• I'm confused.

LEG. ALDEN:

This is money that, you know, was part of district initiatives.

LEG. VILORIA•FISHER:

Yeah. No, I'm not questioning that.

LEG. ALDEN:

And some of its name changes and then some of it was that they basically didn't need the money because they were approved with another grant. So I transferred it or I'm attempting to transfer it over to two programs in East

Islip that did need the money because they don't have other grants.

LEG. VILORIA•FISHER:

Okay, so it was just a question of need. But you're doing it through the Downtown Revitalization Program.

LEG. ALDEN:

It's the cleanest way to do it. I could give the money directly to I think the two individual organizations because they are 501C3's, but this way if we go through downtown revitalization, the Town of Islip will actually prepare the bid documents, will oversee the project and will spec out the technical specifications for the construction and then we'll actually oversee the construction project. So at no additional cost to the County and actually it's almost an in kind type of contribution to the project. So, we get more bang for our buck this way and we actually accomplish, you know, a greater need.

LEG. VILORIA•FISHER:

But it still has to go through Economic Development, doesn't it, for their approvals of contracts?

LEG. ALDEN:

Yes, they have to approve the contracts. Same way that any of our ••

LEG. VILORIA•FISHER:

Any contract agencies.

LEG. ALDEN:

The contract agencies go, right.

LEG. VILORIA•FISHER:

Okay. That was the question I had, was the process, and I thought that they would still have to go through the same contract approvals. That's just the way we •• when we were doing downtown revitalization Tony _Alosio_ in Brookhaven Town would help to administer the projects.

LEG. ALDEN:

Right. This doesn't require them to approve the project. This is just like ••

LEG. VILORIA • FISHER:

It's a pass-through of the money. They're managing it.

LEG. ALDEN:

Right.

LEG. VILORIA • FISHER:

Okay. Thank you very much, Cameron.

CHAIRMAN MONTANO:

Carolyn, does this make life easier, more difficult, or it doesn't matter to your department.

MS. FAHEY:

It'll really sort of mix applies with oranges. It takes omnibus money and discretionary money, the Legislative initiatives, and mixes it with the money that is used by the Citizens Advisory Panel for the competitive programs. You know, in the end it is really an accounting process on our end to make sure that we don't mix the two, that we keep them separate and keep an accounting for it separately.

The only difference in the contract process is if it were left in the Operating Budget it would be an annual contract, an annual grant. They would have to finish it by year end. Moving it into the downtown does allow the money to go through the town, allows for in-kind contributions from the town, but then also gives the timeframe for three years versus one year.

CHAIRMAN MONTANO:

So it allows the money to pile up, basically, within maybe the town or within your department? How would that work? In other words, if you don't have to expend •• you're saying you don't have to expend the funds within a year, that you can actually go into the next year and hold those funds for projects that may not be complete this year, whereas the other money would have to be expended within the fiscal year. Is that accurate?

MS. FAHEY:

Right. The Operating Budget funding would have to be spent by December 31st of this year. The money being transferred over to downtown allows us to do a three year contract with the town.

CHAIRMAN MONTANO:

Once we transfer the money we have no control over whether or not it's spent in the fiscal year. Is that accurate?

MS. FAHEY:

Correct. It then becomes part of the downtown program, which is a three year program. It ends up being handled just like the competitive downtown contracts. It goes to the town, there is a three year program.

CHAIRMAN MONTANO:

The County Exec's Office, is there any comment on that? Is that something that, you know, administratively we want to do? It's new to me, that's why I'm asking.

MR. ZWIRN:

No, I think that Carolyn pretty much laid it out.

MS. VIZZINI:

Mr. Chairman.

CHAIRMAN MONTANO:

Yes, Gail, you want to ••

MS. VIZZINI:

The reason that there is the latitude is because the money is transferred to the Capital Program. These downtown revitalization programs are, as you are aware, funded through the Capital Program and that gives you the latitude of five years actually before the money would be •• fall to ••

CHAIRMAN MONTANO:

Once the money is in the Capital Program, could it be offset later and pulled out?

LEG. ALDEN:

What, do you mean after my demise?

MS. FAHEY:

Now we have accounting nightmares.

CHAIRMAN MONTANO:

Just a thought.

LEG. ALDEN:

Thanks, Rick.

CHAIRMAN MONTANO:

I'm trying to help you.

MS. VIZZINI:

Recently we have •• I mean, recently we have done some rescinding but it's usually not done that way.

CHAIRMAN MONTANO:

I'm sorry, Gail, say that again.

MS. VIZZINI:

Not without rescinding.

CHAIRMAN MONTANO:

Okay. So it's earmarked, basically. It is in a safe box or whatever.

MS. VIZZINI:

It's put in this particular project for these specific ••

LEG. ALDEN:

Mr. Chairman.

CHAIRMAN MONTANO:

Go ahead, Legislator Alden.

LEG. ALDEN:

Similar to some of the projects that are now going on in Brentwood where I've allocated the money and it happens to be your district, and, you know, those projects are ongoing.

CHAIRMAN MONTANO:

Yes, I know. All right. I'm going to call the question. Carolyn, do you want to add something further?

MS. FAHEY:

Just one technical aspect. You know, the department had created, you know, with the program procedures and rules and regs, so it is only a three year program. I know we can do five at the Capital, but the program itself is only set for three years.

CHAIRMAN MONTANO:

Okay. But you have no objection to this particular •• you know, it's the first time out but ••

MS. FAHEY:

This is the third year in a row for this type of transfer by Legislator Alden. This is his third year in a row.

CHAIRMAN MONTANO:

Oh, okay. I'm sorry. Then I've been behind the eight ball.

MS. FAHEY:

Sorry, Legislator. We did pose it to the Citizens Advisory Panel at our last meeting letting them know what was happening and they didn't seem to have an issue with it. So we did, you know, let them know what was going on.

CHAIRMAN MONTANO:

And the other money that went in, has that been spent?

MS. FAHEY:

We're in contracting. We are contracting with the Town of Islip for it.

CHAIRMAN MONTANO:

Okay, you are contracting, so it hasn't been spent. All right. I'm going to call the question. All in favor? Opposed? Abstention? Motion carries.
(Vote: 7•0•0•0)

LEG. ALDEN:

Thank you.

LEG. COOPER:

This is the last time.

CHAIRMAN MONTANO:

This is the last time. Thank you, John.

1179, To readjust, compromise, and grant refunds and chargebacks on correction or errors/County Treasurer by: County Legislature #233. (Co. Exec). County Exec bill. Motion? I'll make a motion to approve.

LEG. COOPER:

Second.

CHAIRMAN MONTANO:

Second by Legislator Cooper. Any discussion on the motion or explanation? Gail, you want to give a quick explanation on it or County Exec's Office, it is your bill.

LEG. SCHNEIDERMAN:

Can't we just call the vote?

LEG. MONTANO:

Just call the vote. All in favor? Opposed? Abstention? Motion carries.
(Vote: 7•0•0•0).

LEG. LOSQUADRO:

Motion to place this on the consent calendar as well.

CHAIRMAN MONTANO:

I want to make a motion to place this on the consent calendar as well. Same motion, same second. All in favor? Opposed? Abstentions? **(Vote: 7•0•0•0).**

1181, To readjust, compromise, and grant refunds and chargebacks on correction or errors/County Treasurer by: County Legislature #233. (Co. Exec.)

1184, To readjust, compromise, and grant refunds and chargebacks on correction or errors/County Treasurer by: County Legislature #235). (Co. Exec.)

LEG. LOSQUADRO:

Motion to approve and place on the consent calendar.

LEG. VILORIA•FISHER:

Second.

CHAIRMAN MONTANO:

Motion by Legislator Losquadro to approve and place on the consent calendar, and second by Legislator Viloría•Fisher. All in favor? Opposed? Abstention? Motion carries. **(Vote: 7•0•0•0).**

LEG. VILORIA•FISHER:

That was 1184?

CHAIRMAN MONTANO:

1184.

LEG. VILORIA•FISHER:

No, that was 81.

LEG. ALDEN:

No, 1183 was the same •• 1181 was the same.

CHAIRMAN MONTANO:

Same motion. We did 1181 twice. We did two motions. **IR 1185, to readjust, compromise and grant refunds and chargebacks ••**

LEG. VILORIA • FISHER:

We are on 1184.

LEG. D'AMARO:

We just did it.

CHAIRMAN MONTANO:

Did we do 84? All right. Hold on, hold on.

LEG. SCHNEIDERMAN:

1179, 81, 84 are all the same motion, same second.

CHAIRMAN MONTANO:

I'll live with that.

LEG. ALDEN:

Same motion, same second, on the consent calendar.

CHAIRMAN MONTANO:

On this consent calendar. Are we going on to 1185?

LEG. LOSQUADRO:

Yes, we are.

CHAIRMAN MONTANO:

Yes, we are. **1185, To readjust, compromise, and grant refunds and chargebacks on correction or errors/County Treasurer by: County Legislature #234. (Co. Exec.)**

LEG. LOSQUADRO:

Same motion.

LEG. VILORIA•FISHER:

Same second.

CHAIRMAN MONTANO:

Motion to approve and place on the consent calendar by Legislator Losquadro, second by Legislator Vilorina•Fisher. All in favor? Opposed? Abstention? Motion carries. **(Vote: 7•0•0•0).**

1223, Amending the 2006 Operating Budget to provide funding for lights at the baseball field maintained by VFW Post 5350 of Quogue (Schneiderman).

LEG. COOPER:

Motion to table.

LEG. SCHNEIDERMAN:

Motion to approve.

CHAIRMAN MONTANO:

Motion to table I heard first. Is there a second? It takes precedent. Is there a second on the motion to table?

LEG. D'AMARO:

Second.

LEG. SCHNEIDERMAN:

On the motion.

CHAIRMAN MONTANO:

Second by Legislator D'Amaro. On the motion, Legislator Schneiderman.

LEG. SCHNEIDERMAN:

Well, it's time sensitive, so I'd ask you not to table it. If you want to discharge it without recommendation I certainly could live with that. But this is the VFW Hall in Quogue. They own and operate a baseball field in the rear of their property. It is used by the schools, it is used by the community, it is used by the Police Athletic League. It's widely used.

They need to fix •• there used to be lights on the field. They're trying to illuminate it so they can have evening play. I've spoken with various mayors, supervisors and it seems to have support for this. This is small portion of the cost. It's a \$70,000 project. If it's not moved then it won't be available for this summer, so I'm just asking you to at least allow it out of the committee so we can discuss it on the floor.

John, if you have any particular questions, I am happy to answer them.

LEG. COOPER:

And the offset for this was what again?

LEG. SCHNEIDERMAN:

I'm going to go to Robert because we worked together to find an offset within the Parks Department that could handle this.

MR. LIPP:

We were looking for an offset and we found in the Parks Department appropriation 7110, which did not have any pseudo codes in terms of contract agencies. It was money that was restored in the '06 adopted budget by the Legislature from zero to 2005 estimate. There were no specific, though, pseudo codes or contract agencies associated with this money.

LEG. ALDEN:

To do what?

MR. LIPP:

Excuse me?

LEG. ALDEN:

To do what with that money?

LEG. SCHNEIDERMAN:

It's money in the Parks Department. We have spoken with the department. It was there for potentially for contract agencies and it is available for this

purpose.

CHAIRMAN MONTANO:

Was this •• I have a question. Was this part of the omnibus allocation?

LEG. SCHNEIDERMAN:

It wasn't part of my member items. Again, it didn't come to my attention until just a month or two ago. So I would have made it a part. The money is available. We did take 600,000 for Babylon School to redo their ball fields last year.

CHAIRMAN MONTANO:

That was last year.

LEG. SCHNEIDERMAN:

That wasn't out of omnibus. That was a significant contribution. This is a •• I'm only asking for 10,000, a very small amount. The funds are available within the department and I'd like this to move forward.

LEG. ALDEN:

On the motion.

CHAIRMAN MONTANO:

Legislator Alden.

LEG. ALDEN:

I'm not 100% sure, but that •• I think that's my money that was over in the Parks Department to do a study on security. So, it's unidentified as far as the specific contract agency, but I believe that that's the money that I put over there for a security program, so.

LEG. SCHNEIDERMAN:

I don't think that's the case. Robert, do you ••

LEG. ALDEN:

Let's find out.

CHAIRMAN MONTANO:

Who's money is this?

LEG. ALDEN:

No, it's people's money, the people's.

MS. VIZZINI:

This was money that was in the 2005 estimated budget so it was restored to the same amount when we did the 2006 budget.

LEG. ALDEN:

For what purpose, though?

MS. VIZZINI:

We don't have any detail as to the specific purpose.

LEG. ALDEN:

No, I'm sorry. I think that was money that, you know, at my direction was •

LEG. SCHNEIDERMAN:

If we discharge it without recommendation and it turns out to be the case, Cameron, then we'll resolve that issue.

LEG. ALDEN:

No, I think you resolve it before ••

CHAIRMAN MONTANO:

Wait, hold on. Let's not get •• Legislator Losquadro do you have ••

LEG. LOSQUADRO:

I also have a question.

CHAIRMAN MONTANO:

Are you done, Legislator Alden? All right. Legislator Losquadro, go ahead.

LEG. LOSQUADRO:

I, too, placed money into the Parks Department budget out of my omnibus fund, and I don't know, it was supposed to be earmarked for improvements to the Chandler Estate within my district. I don't know if it is specifically earmarked or tagged as that funding, but that money as well is in the Parks Department budget.

CHAIRMAN MONTANO:

Any further comments on this?

LEG. SCHNEIDERMAN:

Well, can we get an answer to that?

MS. VIZZINI:

Well, this is not your individual district specific items. Remember in the working group we had the restorations and then we had the district specific. This is part of the restorations.

LEG. SCHNEIDERMAN:

So it's not Cameron's money, either, then.

CHAIRMAN MONTANO:

All joking aside, it doesn't belong to anybody but the taxpayer. However, it was put in a general restoration account for overall projects and not in specific district accounts, or not district accounts but district items. Is that correct?

MS. VIZZINI:

Yes. Now the reason it was in '05 may have been a one time or a specific thing. In '06 it's there because it was restored to what was there in '05.

CHAIRMAN MONTANO:

Are there any further comments on this?

LEG. D'AMARO:

Can I ask a question?

CHAIRMAN MONTANO:

Yes, Legislator D'Amaro.

LEG. D'AMARO:

Thank you, Mr. Chair.

CHAIRMAN MONTANO:

There's a motion to table on the floor with a second.

LEG. D'AMARO:

Before I take a position on this I just cannot seem to get a handle on how in a presentation earlier we're talking about tax increases and now we're talking about spending \$180,000 dollars potentially that's just kind of floating out there for no purpose. I have a real •• I just don't understand how ••

LEG. SCHNEIDERMAN:

This is to ••

LEG. D'AMARO:

I understand, but the bill recites in the first clause that there's \$179,000 that is not earmarked in any way and if you could just enlighten me, because I'm only 60 days into this, how that comes about and how often it comes about in this budget and what other funds are out there that are similar?

MS. VIZZINI:

Well, first let me say that it is a little bit of an anomaly but basically it comes about by a concern when the County Executive's budget is presented whether the •• how the contract agencies are treated. And this was a line item in the Parks Department. We have yet to verify why the money was in there in 2005. And the general concern of the Legislature in the past has been how have the contract agencies been treated. Were they cut, were they only given a 2% increase or were they given •• that kind of thing. So within a short period of time we try to do as much detailed analysis as to how they are treated and what the consensus of the working group might be, what the philosophy is.

In this last go round, similar to the previous years, there was a consensus to restore contract agencies who spent money in 2005 to at least what they received in 2005, unless there was a logical explanation as to why they should not get it. So that was the first concern.

And this line was restored. Usually the lines are for specific agencies, and there were several other agencies that were restored such as, you know, the Long Island Two Day Walk Breast Cancer, the Long Island Museum, the Wildlife Rescue, they also were restored in •• as part of Parks, but there •• it was this general \$179,000 that was shown to be spent in 2005 and that was the criteria. If the money was spent in 2005 that indicated that there should be a purpose for it in '06. It's not fail proof.

CHAIRMAN MONTANO:

Thank you, Gail.

LEG. D'AMARO:

Wait a minute. So the intent of this fund was to restore contract agencies, potentially restore contract agencies to their '05 level? Is that what you're saying?

MS. VIZZINI:

Yes.

LEG. D'AMARO:

And that did not happen and that's why this is remaining now, these funds are remaining.

MS. VIZZINI:

Well, it did happen.

LEG. D'AMARO:

Not in all cases, there was more budgeted for that purpose than was used, is that correct?

MS. VIZZINI:

The question that remains here is what exactly was this money used for and

spent for in 2005 and was it a one time thing or was this some sort of ongoing contractual relationship with the Parks Department. That's what we haven't been able to determine.

CHAIRMAN MONTANO:

Are you done?

LEG. D'AMARO:

Yeah. I don't understand it.

CHAIRMAN MONTANO:

All right. Wait. Hold on. I think Legislator Alden is next, but I have one question of the sponsor or Counsel. Just from the resolution, it says that the 10,000 is for •• towards funding for the •• of the installation of lights at the baseball field maintained by VFW Post, you know, 5350, to replace existing lighting. My question is, if they maintain it, who owns the property?

LEG. SCHNEIDERMAN:

They own it.

CHAIRMAN MONTANO:

They do own it. So it's maintained •• it's their own property.

LEG. SCHNEIDERMAN:

Yes. Owned and maintained.

CHAIRMAN MONTANO:

Okay. Legislator Alden.

LEG. D'AMARO:

Before you do.

LEG. ALDEN:

I'll yield.

LEG. D'AMARO:

Just follow•up very quickly. So what happens to the remaining \$169,000?

MS. VIZZINI:

Well.

LEG. COOPER:

Well, it's not going to be there much longer.

LEG. SCHNEIDERMAN:

It probably gets raided by the rest of you. Now that I've found it you'll all raid it I guess. I'm only asking for 10,000 of it.

LEG. LOSQUADRO:

Mr. Chairman.

LEG. D'AMARO:

I'm not saying that there's some kind of, you know, inappropriate purpose. I'm just curious how this from a budgetary standpoint winds up to be the case when I am learning that there are specific •• there is omnibus allocation and member item allocations and now, you know, we previously • we're going to go back to a resolution that moves from one fund to another which is beyond those two things and now this seems to be beyond that as well. And ••

LEG. SCHNEIDERMAN:

This is very much the same argument as was made about creating a lot of positions and then not filling those positions, that you're basically socking away money, you're taxing and not spending, so.

CHAIRMAN MONTANO:

Let's stay on course. We have ••

LEG. SCHNEIDERMAN:

I don't know if this is similar to that.

CHAIRMAN MONTANO:

No, I don't think it is. But we have Legislator ••

LEG. SCHNEIDERMAN:

Nobody can identify what this is for.

CHAIRMAN MONTANO:

Unless there is a specific question to the sponsor, I'm going to recognize Legislator Alden, then Legislator Losquadro.

LEG. ALDEN:

There's a possibility, and to address part of what Legislator D'Amaro just brought up, there's a possibility that \$100,000 was allocated in '05 and it never was spent and it was supposed to be spent for security. That was a program I was working with the County Executive's Office and also with the Parks Department, and now I am continuing to work with the County Executive's Office and the Parks Department to provide some security at some of the County golf courses.

Whether those security cameras would cover the golf course itself, which has been subject to some vandalism where people have driven their cars on and done hundreds of thousands of dollars worth of damage or whether it's to the boat docks that we have down there where people have gone on the boats and done significant amount of damages to the boats and to the docks and County property. Or whether it be part of a security program where people are sneaking on the golf course and this would identify at the first and the tenth tee on a pilot basis at West Sayville, you know, people that are going out on the course and it would be an accounting type of tool that we could use with our new computer system.

So, if that's part of the money, I'm absolutely against using any of that for a ball field, you know •• and I will find other money if that's, you know •• if it's enough of a benefit to Suffolk County I'll find other money for you, but if that's part of it, you know, I would be very much against using part of that money on a ball field.

LEG. SCHNEIDERMAN:

It's the timing of it, so.

CHAIRMAN MONTANO:

I'm going to Legislator Losquadro.

LEG. LOSQUADRO:

I'll yield.

CHAIRMAN MONTANO:

Legislator Losquadro yields. Legislator Schneiderman, you have the last word before the vote.

LEG. SCHNEIDERMAN:

Again, this is time sensitive so I'd like to see it move forward. If you want to hold off until we take care of the Eddington bill so we dispose of the two similarly I could live with that. We'd have to hold off on the tabling motion, then.

CHAIRMAN MONTANO:

No. I think we'll just move forward and just get back to the Eddington bill. I'm going to call the vote. Motion to table has been seconded. All in favor?

LEG. SCHNEIDERMAN:

Opposed to tabling.

CHAIRMAN MONTANO:

Okay. Those that are in favor of tabling raise your hand. Four to table. Opposed to tabling?

LEG. SCHNEIDERMAN:

Opposed.

CHAIRMAN MONTANO:

Abstentions?

LEG. ALDEN:

Abstain.

CHAIRMAN MONTANO:

Motion to table carries. **(Vote: 4•1•2•0 Opposed: Legislator Schneiderman; Abstentions: Legislators Alden and Losquadro).**

We are moving on to **1227, Amending the 2006 Operating Budget and transferring funds to various contracted agencies. (Caracappa).** Do I hear a motion?

LEG. LOSQUADRO:

Motion.

CHAIRMAN MONTANO:

Motion to approve.

LEG. VILORIA•FISHER:

Second.

CHAIRMAN MONTANO:

Second by Legislator Viloría•Fisher. On the motion.

LEG. ALDEN:

A quick question.

CHAIRMAN MONTANO:

Shoot. Legislator Alden.

LEG. ALDEN:

Budget Review, is this part of the omnibus procedure?

MS. VIZZINI:

Yes, it is a pure minus and plus.

LEG. ALDEN:

Thank you.

CHAIRMAN MONTANO:

I don't think it can go on the consent calendar. Call the question. All in favor? Opposed? Abstention? Motion carries.

(Vote: 7•0•0•0).

1228, Amending the 2006 Operating Budget to acquire Secure Continuous Remote Alcohol Monitoring (SCRAM) Units for the Department of Probation to enhance an Alternative To Incarceration (ATI) pilot project for DWI offenders and reduce jail. (Losquadro).

LEG. LOSQUADRO:

I'm going to make a motion to approve, but I know there's going to be some discussion on this.

CHAIRMAN MONTANO:

Okay. Do I hear a second?

LEG. ALDEN:

Second.

CHAIRMAN MONTANO:

Motion to approve, second by Legislator Alden. We have the Commissioner here. I think he would •• oh, John, there you are •• would like to state their concerns or their position with respect to the bill. Would you go ahead?
Commissioner Desmond, how are you?

COMMISSIONER DESMOND:

Good morning. In addition to the usual budgetary concerns with the looming deficit, we have a new and kind of surprising turn. It appears that the technology is galloping ahead faster than we had projected.

When this was first discussed last year, we •• it appeared feasible with the use of the current passive electronic monitoring technology. However, just very recently I've been in contact with the courts and with my technical people and what we're discovering is the kind of technology that's used for this device is the passive electronic monitoring in which you have a land line telephone at a house connected to a black box. You have a portable device that the individual wears, and the information is transmitted to that device either once or twice a day and then to the Probation Department.

The basic problem we're encountering, and this is just not with this device, but also to all of our current passive electronic monitoring equipment, is the fact that individuals, especially those that we would be concerned with to fit these devices, no longer have house phones, they're dependent on cell phones, and this technology will not work with the cell phones.

CHAIRMAN MONTANO:

Okay.

COMMISSIONER DESMOND:

You know, I regret it took us until now to get back to the Committee on this, but we just very recently discovered how serious this was.

CHAIRMAN MONTANO:

Thank you for that.

LEG. LOSQUADRO:

Mr. Chairman.

CHAIRMAN MONTANO:

I think Legislator •• the sponsor would like to address that?

LEG. LOSQUADRO:

I, too, regret that this has only come to my attention today. We've had extensive discussions regarding this. And I do understand that there always •• and it continues to expand. There will be a portion of the population within those that we wish to monitor who may not have financial resources to be tied to a specific location or have land lines. But being that this is enhancing a pilot program and we will be renting this equipment, I apologize, but I cannot accept the fact that we cannot find 20 individuals within this program for whom we could not increase our monitoring efforts that have land lines, that this would be a benefit to them and to the community •• to Suffolk County as a whole.

Unfortunately, over the past week I have had two fatal accidents in my district in which young individuals lost their lives, and I simply cannot accept the fact that in our effort to increase our alternatives to incarceration that

we cannot find 20 individuals eligible for this program that have access to land lines, that we can improve their monitoring, even if only in the short term, being as we are renting this equipment and not purchasing it. And when new equipment, more technologically advanced equipment that uses Global Position System monitoring becomes available, that we cannot switch to that technology. But, in the interim, I still feel this is a viable program and it could be very easily implemented.

CHAIRMAN MONTANO:

All right. I'm going to •• before that, I'm going to recognize Legislator Cooper. He may address the concerns you had there.

LEG. COOPER:

I had two questions. Number one, do you know if there is any technology currently available that would allow for use with cell phones?

COMMISSIONER DESMOND:

No, not yet. The global positioning technology is currently going through a lot of rapid technological changes, but they haven't begun yet to merge that active GPS electronic monitoring with the use of the other kinds of sensing devices. I think that that generation of technology will probably be upon us pretty quickly, possibly even next year. I really hesitate to give a projection, but things are moving very quickly.

LEG. COOPER:

And my next question may be for the sponsor. You had talked about this resolution calling for renting the necessary equipment, but at least in the title of the resolution it states that it would be for •• to acquire the units.

LEG. LOSQUADRO:

That change has been made. I have •• there's •• it's not in the title anymore.

MR. NOLAN:

No, it is. It's ••

LEG. LOSQUADRO:

In fact, I have a letter here from Counsel's Office making that exact change, from "purchase" to "acquire" in the title of the bill, as these units will be rented, not purchased. I have the letter here from Counsel's Office that that change was made, because it is exactly part of this pilot program.

We are talking about speculation as to when new technology might become available. We have a resource at our disposal that we could use with individuals who qualify who do have access to a land line. Even if we do have individuals, even if they are the most egregious offenders who do not have access to a land line, we still have very egregious offenders who have access to a land line that we could facilitate heightened monitoring with the implementation of this pilot program. It was something that was begun last year and it's something that I feel it's incumbent that we move forward with, even if only on this short •• on this limited basis to see if this truly will help save lives in Suffolk County.

CHAIRMAN MONTANO:

All right. We have limited ••

LEG. COOPER:

I have just one more question.

CHAIRMAN MONTANO:

Go ahead.

LEG. COOPER:

What then •• I'm confused. What is the enhancement, then, to the existing •• so there already is a pilot program. This is an enhancement to that program.

LEG. LOSQUADRO:

The initial bill was to study the feasibility. This will actually provide the funding for us to rent, you know, a number of these units to implement it on a wider scale, that we can find individuals who qualify who have access to a land line, and we can begin enhanced monitoring of them through this SCRAM bracelet.

CHAIRMAN MONTANO:

Okay. I'm going to •• I'm going to cut off the debate, because we're running out of time. We have another meeting. Is there anyone who wants to make any brief comments on I.R. 1228, brief? That's like support, don't support.

MR. ZWIRN:

We would support what the Director of Probation has said, and we're also concerned about the offset as well, taking out of the Permanent Salary Account. We don't think this is a ••

CHAIRMAN MONTANO:

I'm going make a motion to table this. Do I have a second on that?

LEG. COOPER:

I'll second.

CHAIRMAN MONTANO:

Seconded by Legislator Cooper. Motion to table takes precedent. I'll call the vote on the motion to table. All in favor of tabling?

LEG. SCHNEIDERMAN:

Opposed.

LEG. LOSQUADRO:

Opposed.

CHAIRMAN MONTANO:

All right. Who's in favor? I'm in favor. Four in favor (Legislators Montano, Vilorio•Fisher, D'Amato and Cooper). Opposed?

LEG. LOSQUADRO:

Opposed.

LEG. ALDEN:

Opposed.

LEG. SCHNEIDERMAN:

Opposed.

CHAIRMAN MONTANO:

Abstentions? Motion to table carries. **(Vote: 4•3•0•0 Opposed: Legislators Schneiderman, Losquadro and Alden).**

Moving on to resolution **1231, Amending the Adopted 2006 Operating Budget to Transfer Funds from Fund 477 Water Quality Protection, amending the 2006 Capital Budget and Program, appropriating funds in connection with, and authorizing acquisition of land under the New Suffolk County Drinking Water Protection Program for the Loughlin Property • 5.9+ • acres under the Open Space Component • 5.0 + • acres under the Farmland Development Rights Component (Town of Islip • SCTM No. 0500•357.00•03.00•033.000). (Co. Exec.)**

LEG. VILORIA•FISHER:

I have a question for Budget Review on this.

CHAIRMAN MONTANO:

Do we have a motion first?

LEG. ALDEN:

I'll make a motion to table it.

LEG. VILORIA•FISHER:

I'm going to make a motion to approve for purpose of discussion.

CHAIRMAN MONTANO:

I'll second the motion to approve for purposes of •• there was a motion to table but there was no second, I think.

LEG. ALDEN:

No second.

CHAIRMAN MONTANO:

All right. Motion to approve by Legislator Vilorio•Fisher. Seconded by myself. On the motion?

LEG. VILORIO•FISHER:

Gail, why are we using the 477 Account for an acquisition? We have the Quarter Percent Fund. Why don't we use that? Why aren't we using that?

LEG. LOSQUADRO:

Are we on 31 or 37?

CHAIRMAN MONTANO:

We are on 31.

LEG. VILORIO•FISHER:

1231 and 1237.

MS. VIZZINI:

I'm going to defer to Ben. It is a County Executive resolution.

MR. ZWIRN:

If it's all right, I •• because it's a proper use of •• 477 is an umbrella with I think five separate components, water quality, land acquisition, open space acquisition, farmland acquisition, sewers. It's this acquisition is done under the ••

LEG. VILORIO•FISHER:

But usually in the titles when we're talking about, you know, it is usually in the title we refer to the Quarter Percent Drinking Water Program when we're in the title for land acquisition. Isn't that the title we usually use, Gail? What is the nuance in using the title 477 in the title rather than Quarter Percent Drinking Water Program? Are those town specific when we're using like that? I just want to know what •• if there is a nuanced difference in using this title.

LEG. ALDEN:

Legislator Vilorio•Fisher, could I hope to clarify some of that? There's an old Quarter Cent Program that was town specific.

LEG. VILORIA • FISHER:

Right.

LEG. ALDEN:

And then this is •• this is County wide, but there's still money in the old town specific.

LEG. VILORIA • FISHER:

Well, I think that's where I'm going with this with Budget Review, trying to find out why we're using this title and not the ••

LEG. LOSQUADRO:

Is this 12•5E or?

LEG. VILORIA • FISHER:

Well, that's what I'm •• I'm trying to see if it is a town •• I'm not getting an answer yet.

CHAIRMAN MONTANO:

All right.

LEG. VILORIA • FISHER:

Is it 12•5E money? Is it town specific money? Bob, you look like you're •• there's no more money in 12•5E?

MR. LIPP:

12•5 is from the old Fund 475. This is Fund 477, the new sales tax quarter cent. That was the old one. These are allocations of money from the Suffolk Water Protection Program Fund 477, and as Ben had stated, there are five components, and this is speaking to I believe three of the components.

LEG. VILORIA • FISHER:

Okay. So Budget Review is okay with this?

LEG. SCHNEIDERMAN:

Which three components?

LEG. VILORIA • FISHER:

Land acquisition and water protection, storm water protection. Can you say that into the mike, Ben?

LEG. SCHNEIDERMAN:

Which three?

MR. ZWIRN:

I think the third would be in another bill coming up.

LEG. VILORIA • FISHER:

Well, what Bob just said is it satisfies three components. Bob, which three components did you mean?

MR. LIPP:

The components are farmland, which receives a certain piece of the pie, open space, and water protection. And this one is under the farmland.

CHAIRMAN MONTANO:

Hold on.

MR. PEARSALL:

This is active farmland.

LEG. VILORIA • FISHER:

This is active farmland.

MR. PEARSALL:

Twelve acres of vineyard.

MS. VILORIA • FISHER:

Okay, so it's farmland and water protection and the third component?

MR. LIPP:

Water quality.

LEG. VILORIA•FISHER:

And water quality.

MS. VIZZINI:

Legislator Viloria•Fisher, the reference to the farmland development rights component is in the title on this one. It's the very last line before the Town of the Islip.

LEG. VILORIA•FISHER:

Okay. And there's no more money in that quarter percent that's town specific? Because that is what I had been accustomed to referring, to the water quality component in the titles of the resolutions. I'm just trying to clarify the different nomenclature here that we are using.

CHAIRMAN MONTANO:

All right.

LEG. VILORIA•FISHER:

So is there a substantive difference, or it is just a difference in the title?

MR. LIPP:

I believe it's just a difference in the title. The fund that earmarks specific dollars for town revenue sharing for these purposes was from the previous quarter cent which expired at the end of November of 2000. So there may be some dollars left in it, but we don't have that information in front of us. This is the new program that started in December 2000.

LEG. VILORIA•FISHER:

Okay. So if there is no substantive difference, Mr. Chair, then I stand by my motion to approve.

CHAIRMAN MONTANO:

Okay. I'm going to recognize Legislator Alden. We're going to move this quickly.

LEG. ALDEN:

How much is this for, the 477 transfer?

MS. VIZZINI:

2.3 million.

LEG. ALDEN:

And it is for water protection? It meets the water protection component or is it just farmland preservation?

MR. ZWIRN:

There are two components. One is for open space.

LEG. ALDEN:

Right.

MR. ZWIRN:

And the other is for farmland preservation.

LEG. ALDEN:

Is that is roughly 50•50, Ben?

MR. ZWIRN:

Roughly, yes.

LEG. ALDEN:

Okay. Did you explore the old quarter cent? Because there is money in there.

MR. ZWIRN:

My understanding is that this •• they were merged. But the answer is no, we didn't check that.

CHAIRMAN MONTANO:

You didn't check?

MR. ZWIRN:

No.

LEG. ALDEN:

Because I would think that we should close out that account first, spend that money, and then we proceed on the 477 at some point in the future. But the last time I looked, and I think I did an acquisition with Legislator Lindsay using the old quarter cent, and there was still close to a million dollars in it in Islip.

CHAIRMAN MONTANO:

All right. I'm going to make a motion to discharge without recommendation at this point so we can answer some of these questions later and not tie up the bill.

LEG. ALDEN:

Can I make a further suggestion, though, through the Chair?

CHAIRMAN MONTANO:

Sure. Go ahead.

LEG. ALDEN:

Just look at that and if there is money in there, use that money first rather than the 477 money and it will be, I think, cleaner going forward.

CHAIRMAN MONTANO:

All right. Let's get the second on the motion to discharge without recommendation.

LEG. VILORIA • FISHER:

I'll second it.

LEG. ALDEN:

Second.

CHAIRMAN MONTANO:

Seconded by Legislator Alden. Legislator Schneiderman has the floor.

LEG. SCHNEIDERMAN:

I'll be very brief. First, if somebody can answer what is going to happen with this property. Obviously the development rights for the farmland, that is going to be farmed. What about the other half of it? Is it going to be used for recreational purposes? Does anybody know?

MR. PEARSALL:

Perhaps, Mr. Chairman ••

LEG. SCHNEIDERMAN:

Passive recreation? I just want to make sure the funding •• because some of that quarter penny groundwater money can't be used for certain purposes. I just want to make sure that it is compliant with the regulations attached to those funding sources.

CHAIRMAN MONTANO:

All right. I'm going to move the question. On the motion to discharge without recommendation, all in favor? Opposed? Abstentions? Motion carries. **(Vote: 7•0•0•0).**

Moving on to resolution **1237, Amending the 2006 Operating Budget to transfer funds from the Suffolk County Water Protection Fund (477) Reserve Fund to the Suffolk County Department of Health Services Division of Environmental Quality for a feasibility study and other planning needs assessment related to the dredging of Meetinghouse Creek. (Co. Exec.).**

Do I hear a motion? Same motion? Do we have the same issues on this funding?

LEG. COOPER:

Motion to approve.

LEG. VILORIA•FISHER:

It's not the actual dredging, it's not the Capital Program. It's okay.

CHAIRMAN MONTANO:

Motion to approve by Legislator Cooper. I'll second it.

LEG. ALDEN:

On the motion.

CHAIRMAN MONTANO:

On the motion, Legislator Alden.

LEG. ALDEN:

Very quickly. In the past when we did dredging programs this money was just included in the budget for the different departments. Now we're making a raid on the 477 account. That means there's going to be less money to actually do bricks and mortars on any type of project that comes up in the rest of the districts, so I don't think this was the original intent •• no, I can tell you it absolutely it was not the original intent by the sponsor, who was me, of the legislation. So, this is a twist and the using of the money in a completely different fashion.

CHAIRMAN MONTANO:

I'm going amend my motion or the motion and I'm going to make a motion to discharge without recommendation. Do I have a second so we can move this along?

LEG. COOPER:

Second.

CHAIRMAN MONTANO:

Seconded by Legislator Cooper. Any discussion on the motion? All in favor? Opposed? Opposed, Legislator Schneiderman and Legislator ••

LEG. VILORIA • FISHER:

I'm opposed to discharge without recommendation. There's no reason not to approve this.

CHAIRMAN MONTANO:

Okay. That's two. Anyone else? Who's in favor? Raise your hands. One, two, three. Does not carry.

LEG. COOPER:

Motion to approve.

LEG. SCHNEIDERMAN:

I don't think it is ready to be discharged because we just don't have enough information.

LEG. VILORIA•FISHER:

Well, I'd rather discharge it without recommendation or approve it, so I'll support the discharge without recommendation.

CHAIRMAN MONTANO:

Okay so we have four. Opposed? Abstentions?

LEG. SCHNEIDERMAN:

I'll oppose.

LEG. LOSQUADRO:

I'll oppose.

CHAIRMAN MONTANO:

Three opposed. Four•three. Motion to discharge without recommendation carries. **(Vote: 4•3•0•0 Opposed: Legislators Schneiderman, Losquadro, Alden).**

1239, Establishing a new program in the Office of Women's Services for mitigating domestic violence. (Stern).

LEG. VILORIA•FISHER:

Motion.

CHAIRMAN MONTANO:

Motion to table.

LEG. VILORIA•FISHER:

Table?

LEG. COOPER:

Motion to table, second.

LEG. VILORIA•FISHER:

Oh, that's right.

CHAIRMAN MONTANO:

Motion to table by Legislator Viloría•Fisher, second by Legislator Cooper. All in favor? Opposed? Abstention? Motion carries. **(Vote: 7•0•0•0).**

1241, To establish the Homeowners Tax Reform Commission. (Lindsay).

I'll make a motion to approve.

LEG. COOPER:

Second.

CHAIRMAN MONTANO:

Second by Legislator Cooper. Any discussion on the motion?

LEG. ALDEN:

Just what is it.

CHAIRMAN MONTANO:

Explanation, Counsel.

MR. NOLAN:

1241 sets up a Task Force to study the feasibility of utilizing different sources of revenue to fund specifically school districts. I believe it is the intention to look at options like sales tax, mortgage tax, local lottery, as alternatives to the property tax.

CHAIRMAN MONTANO:

It's a Task Force. Any discussion on the task force?

LEG. SCHNEIDERMAN:

I'm a little concerned actually because my district is so •• may be different than many if the others. Our school taxes, a lot of the money comes from second home owners. Southampton, East Hampton and other areas, there is a lot of large homes that help what is a rural area provide a good quality of education. And if you switch to an income tax type of revenue a lot of those individuals who have large homes, actually their income tax is reported in other areas, New York City and elsewhere, it could be potentially damaging to the school districts in my area.

CHAIRMAN MONTANO:

It's a Task Force. Let the Task Force deal with these issues. Legislator Losquadro.

LEG. LOSQUADRO:

I was just going to say that I'm sure that that is one of the items the task force is going to have to take into account. You know, eastern Long Island makes up a significant portion of our economy through the tourism and I'm sure no one would want to see one area be impacted to a greater degree than another, so I am supportive of this task force. And, Madam Clerk, I'd like to be listed as a cosponsor, please.

CHAIRMAN MONTANO:

Put me there also, Madam Clerk.

LEG. D'AMARO:

And put me as well.

CHAIRMAN MONTANO:

I'm going to call the question. All in favor? Opposed? Abstentions?

LEG. SCHNEIDERMAN:

I'm going to abstain at this point.

LEG. ALDEN:

Abstain.

CHAIRMAN MONTANO:

Two abstentions. Motion carries. **(Vote: 5•0•2•0 Abstentions: Legislators Schneiderman and Alden).**

1242, Transferring contingent funding for various contract agencies (Phase I). (Pres. Off.)

LEG. COOPER:

Motion to approve.

CHAIRMAN MONTANO:

Motion to approve, second by myself. Any discussion on the motion? Let's move the question. All in favor? Opposed? Abstention? Motion carries. **(Vote: 7•0•0•0)**

1243, Reestablishing a common sense policy for the selection of arbitrators in collective bargaining. (Lindsay). I'm going make a motion to table.

LEG. ALDEN:

Second.

CHAIRMAN MONTANO:

Second by Legislator Alden. Any discussion on the motion? Move the question. All in favor to table? Opposed? Abstentions? Motion carries. **(Vote: 7•0•0•0).**

We're going to go back to IR •• I believe it's 1166. Do I hear a motion?

LEG. LOSQUADRO:

Motion to table.

LEG. ALDEN:

Second.

CHAIRMAN MONTANO:

Motion to table by Legislator Losquadro, second by Legislator Alden. Any discussion on the motion? All in favor of tabling 1166?

LEG. SCHNEIDERMAN:

Opposed.

CHAIRMAN MONTANO:

Opposed?

LEG. SCHNEIDERMAN:

To tabling.

CHAIRMAN MONTANO:

Opposed to tabling by Legislator Schneiderman. Abstentions? The motion to table carries. **(Vote: 6•1•0•0 Opposed: Legislator Schneiderman).**

I want to thank you. There are no other items on the agenda. This meeting is adjourned.

(*The meeting was adjourned at 11:37 A.M.*)